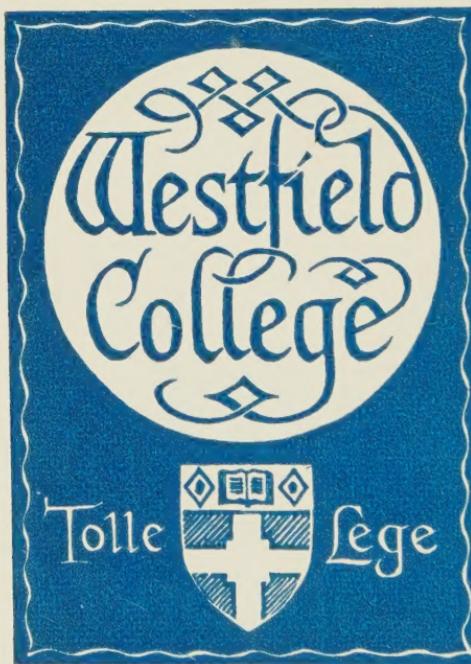




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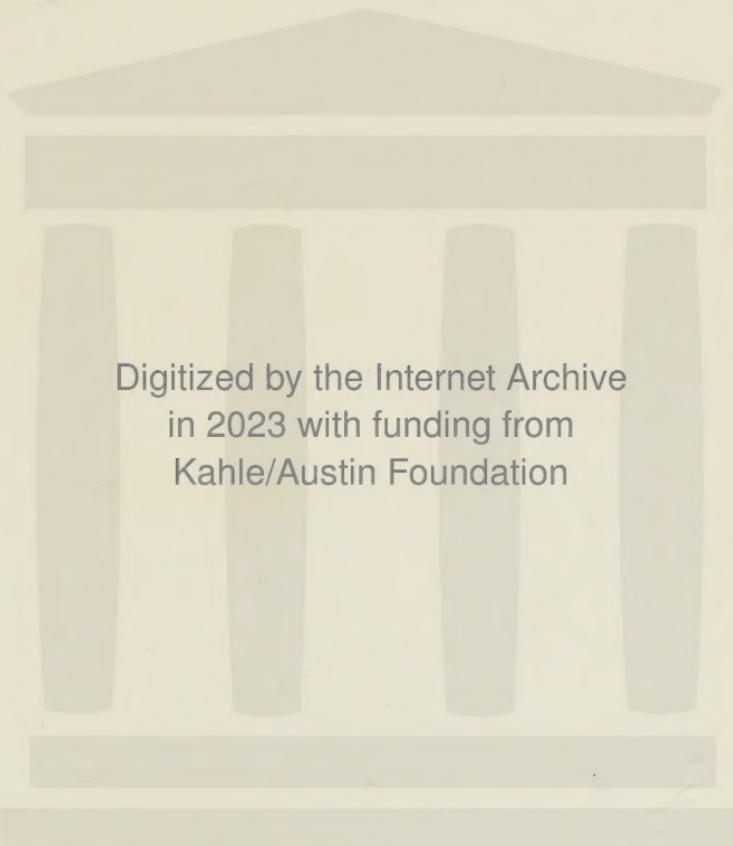
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# THE SANCTUARIES AND SANCTUARY SEEKERS OF MEDIÆVAL ENGLAND





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VIOLATION OF SANCTUARY. MURDER OF ARCHBISHOP BECKET.  
(From an early thirteenth century Psalter. *Harl. MS., 5102.*)

# THE SANCTUARIES AND SANCTUARY SEEKERS OF MEDIÆVAL ENGLAND

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BY

REV. J. CHARLES COX, LL.D., F.S.A.

Author of "Derbyshire Churches" (4 vols.), "How to Write the History of a Parish" (5th Edition), "English Church Furniture," "Royal Forests of England" "Parish Registers of England," Editor of "Antiquary's Books," "County Churches," &c.

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TO MY FRIEND  
THE REV. CANON NOLLOTH,  
FOR THIRTY YEARS  
THE FAITHFUL CUSTODIAN OF  
BEVERLEY MINSTER,  
THE GREATEST OF ENGLAND'S HISTORIC SANCTUARIES,  
THESE PAGES ARE, BY KIND PERMISSION,  
DEDICATED



## PREFACE

MY interest was first aroused in the question of sanctuary rights in mediæval England by inquiries that were made of me by the late Mr. Mazzinghi, Librarian of the William Salt Library, Stafford, in 1886–87. I had at that time the pleasure of the friendship of that gentleman, as I was a member of the editorial committee of the Salt Archaeological Society. Mr. Mazzinghi published a short treatise on this subject in 1887, and it has up till now remained the only English book dealing exclusively with Sanctuaries. It is doing no injustice to that work to say, notwithstanding its obvious research, that the treatment is scanty and at times inaccurate.

Having occasion six years ago to consult various old Assize Rolls, my interest in this fascinating and much neglected side of England's social and religious life, extending over several centuries, became revived. From time to time documents have been consulted, with the result that the present book is submitted to the public. It makes no pretence to be exhaustive; many illustrations of sanctuary life and sanctuary

## PREFACE

seeking have been omitted for the sake of space, and to prevent it becoming a mere dry chronicle. Very possibly, too, I may have overlooked certain sources of information which ought to have been examined. I shall be only too glad if any reader will kindly assist me in this matter, or point out any errors. The chief sources of information are to be found in the Assize and Coroners' Rolls, in the Patent and Close Rolls, and in the Episcopal Registers. As to the first of these sources, it is much to be regretted that both the Assize and Coroners' Rolls of the Public Record Office now extant are so very fitful in occurrence and so comparatively few in number. Moreover, both these classes of documents are so irregular in fashion, that it is apparently a haphazard matter whether they include or exclude sanctuary cases. The only provincial records with which I am acquainted containing any sanctuary matter of value, are the wonderfully fine collection of city muniments at Norwich, which have been lately so excellently calendaried by Messrs. Hudson and Tingey.

With regard to extracts from Episcopal Registers, which relate almost exclusively to violations of sanctuary, it may be as well to point out to hasty readers or to those apt to arrive at speedy conclusions, that such entries do not in the least prove that these breaches

of the Church's privileges were frequent ; contrariwise these actions were exceedingly rare. For every violation of sanctuary, there were hundreds of cases wherein its privileges were profoundly respected, and carried out after the accustomed fashion. The bishops' scribes naturally only made entries when the usual order was broken through and the delinquents had to be punished. It was exactly the same with the occasional cases of monastic scandals which had to be for a like reason entered ; and yet there are still writers who try to find the ear of the public in their wholesale denunciation of the monastic religious life, and who in their blindness decide to ignore the innumerable episcopal visits to the religious houses where the result was *omnia bene*.

Much confusion has hitherto existed on the question of sanctuary, by failing to distinguish between the sanctuary rights prevailing, for a limited time, in every consecrated church or chapel with their surrounding graveyards, and the chartered sanctuary rights of a lifetime existing in connection with certain favoured minsters or abbeys and their surroundings, of which Beverley and Durham are the best known examples. I hope that these pages may help to dispel mistakes occasionally made by able writers, and particularly by some of the best of our novelists. Possibly, too, this book

may be of some small service in saving artists from blunders. On several occasions, during comparatively recent years, the walls of even the Royal Academy have been decked with pictures bearing on sanctuary subjects, which have shown a more or less complete misapprehension of its true operation. To Mr. Ralph Hedley my sincere thanks are due for generously allowing the reproduction in this book of two of his admirable picture illustrations of sanctuary incidents ; and yet he will, I hope, forgive me for mentioning that there is the same blemish in each, for every one in mediæval England knew full well that the Church never suffered any sanctuary seeker to approach who bore in his hand or on his person any kind of a weapon.

Among others to whom I wish to express gratitude, Professor Trenholme of the University of Missouri occupies the first place. By a most curious coincidence I heard, in the autumn of 1909, from the Professor making inquiries as to the possible publication in England of a book of his on this particular subject. It was just at this time that my own projected and half-finished book had assumed a definite shape, had secured a publisher, and had been given a title almost exactly similar to the one selected by the Professor. Finding, however, that my scheme was the nearest completion, Mr. Trenholme

most courteously and generously gave up his own idea. He then drew my attention to an interesting and helpful brochure of his own on Sanctuaries, printed recently in the first volume of "University of Missouri Studies," with which I was not previously acquainted. He also pointed out to me a valuable article in volume 50 of the *Revue Historique*, by the late M. André Réville, on that remarkable accompaniment of sanctuary seeking in England, termed the Abjuration of the Realm, a custom almost unknown on the continent.

It is a further pleasure to express my gratitude for help and encouragement to the Rev. Dr. Gee, Master of University College, Durham, and to the Rev. Canon Nolloth, Vicar of Beverley Minster.

Genuine assistance has been given me by one of my sons in making transcripts, by two of my sons in the dry work of proof-reading, and by one of my daughters in the making of the index. To my publishers, too, and to their manager, I wish to offer my thanks for patience and consideration.

J. C. C.

LONGTON AVENUE, SYDENHAM,  
*December 1910.*



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BY MISS M. E. PURSER

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# SANCTUARIES

## CHAPTER I

### ENGLISH SANCTUARY LAWS AND CUSTOMS

The origin of Sanctuaries—Cities of refuge—Sanctuary among the Greeks and Romans—The immunity of Christian churches—The Theodosian Code—The Council of Orange—Sanctuary in England—Laws of Ethelbert, Ine, Alfred, Athelstan, Ethelred, and Canute—Laws attributed to Edward the Confessor and William the Conqueror—Anglo-Norman development—Abjuration of the realm—The treatises of Bracton, Britton, and Fleta—Pardon for abjurors—The case of John Lengleyse—Warding the sanctuary man—Statute of Edward II.—Clerks not compelled to abjure—Statute of 1379 as to sanctuary debtors—*The Mirror of Justice*—Ports of embarkation for abjurors—The dress of abjurors—Beheaded when straying—The number of sanctuary men—The Chartered Sanctuaries.

THE avenging of the death of a murdered or slain relative by the nearest of kin was, and to a certain extent still is, a common practice of mankind among uncivilised races. The spirit, however, of all legislation has been to restrain this license of punishment, and to limit the duration of feuds. Hence came about the establishment by the Mosaic code of the six Levitical cities of refuge, appointed for the refuge of the involuntary homicide until released from banishment by the death of the high priest.

It was, too, a feeling of humanity that gave

birth to the asylums of the Greeks, places originally designed to shelter the unfortunate from the revenge of the pursuer, but which, like their Christian successors, were ere long used to save the life and limb of a criminal from the severities of the law, substituting in its place a modified form of banishment or extended imprisonment. The most famous of these asylums was that of Diana of Ephesus. The Romans fully recognised the peculiar sacredness attaching to particular places, as well as to the altars of their temples or the statues of their emperors, questions upon which whole treatises have been written.

The reverence due to the inner sanctuary or Holy of Holies of the Jewish Temple had its reflection in the Christian Church so soon as the New Faith emerged from active persecution. Throughout Christendom the very name of sanctuary still clings to the easternmost part of the chancel, which contains the high altar.

In all probability the custom of allowing Christian churches to offer protection to criminals and other fugitives in danger of life or limb within their walls or precincts, came into existence from the time of Constantine's Edict of Toleration, A.D. 303. So soon as Christianity became the State religion, it is apparent that the protection afforded by churches was accepted as something more sacred and of greater value than the fitful asylum of temples and statues under the old imperial law. There are no known laws

about it earlier than the Theodosian Code, but when Theodosius the Great in 392 enacted a law concerning asylum in a church, this was done in order to explain and regulate a privilege already recognised and well established. Thus Gregory Nazianzen tells, in his life of St. Basil, how that saint protected a widow who fled to the altar against the violence offered by the Governor of Pontus ; and the like is reported by Paulinus of St. Ambrose. At first only the altar with the inner fabric of the church was regarded as a place of refuge ; but about 450 Theodosius the Younger made a new law whereby the limits of immunity were extended beyond the walls of the actual church to the walls of the churchyard or precincts, including the houses of bishops and clergy, cloisters, courts, and cemeteries. The constitutions of Theodosius the Younger were confirmed by Pope Leo, who further enjoined that an advocate of the Church was to examine those who sought refuge and take action in conformity with the evidence adduced.

“The early Christian Church,” as Professor Trenholme remarks, “was strongly opposed to the shedding of blood, and ready to do all in its power to prevent violence which might result in bloodshed. Thus the clergy speedily became the great intermediaries between criminals and those who desired vengeance, and acted as ambassadors of mercy before the throne of justice. Fugitives who had taken refuge in Christian

churches were interceded for, slaves fleeing from cruel masters were protected, unfortunate debtors in danger of imprisonment were allowed temporary shelter until a compromise could be reached. All this, no doubt, besides tempering the administration of public and private law, increased the reverence for human life in the popular mind, and associated the Church and religion with ideas of sanctity and mercy."

By the Theodosian Code, public debtors, that is, those who embezzled or kept back by fraud State dues, were excluded from sanctuary right. Nor could the immunity of the Church be enjoyed by Jews pretending to turn Christians to avoid their debts, nor by any heretics or apostates. The laws of Justinian, of the beginning of the sixth century, excluded from sanctuary murderers, adulterers, and ravishers of virgins. The Church from the outset found it difficult to discriminate between the classes of delinquents seeking protection, and from early days extended shelter to those who were in fact murderers as well as to those guilty of manslaughter.

The Council of Orange, 441, ordered that no fugitive seeking sanctuary should be surrendered, and in 511 the Synod of Orleans extended the privilege to the bishop's residence and to thirty-five paces beyond the walls of the building. The later canon law of Gratian and the papal decretals granted protection to all criminals, saving night

robbers, highway robbers, and those guilty of grave crimes in churches. The Church refused to surrender all other fugitives unless an oath was taken freeing them from death or mutilation.

There was another general condition of primitive origin in connection with sanctuary seekers throughout Christendom, namely, that they were not to fly with any kind of arms into a church or its precincts.

It should also be mentioned that the Theodosian Code prohibited the feeding and lodging of fugitives within the actual churches, but permitted it in the precincts or churchyards. Indeed this was alleged by Theodosius the Younger as the main reason for extending sanctuary bounds, namely, "that men might not have the excuse of fear to make them eat or lodge in the church, which he thought to be things not so decent in their own nature, nor agreeable to the state of religion and the respect and reverence that was due to churches, as places appropriated to God, and set apart for his service."<sup>1</sup>

It is highly probable that the right of church asylum was to some extent exercised in England during the later days of the Roman occupation, but it is not until after the reconversion of England towards the close of the sixth century that any definite proof of its operation in the British

<sup>1</sup> On the whole question of the early origin of sanctuary privileges in the Catholic Church, see Bingham's *Antiquities of the Christian Church*, Bk. viii. ch. 11; also *De Jure Asylorum* (1623) by Georgius Rittershusius.

Isles is forthcoming. Soon after his conversion and baptism, in 597, Ethelbert, King of Kent, drew up the earliest known Anglo-Saxon code of laws. By the very first of these laws, the sanctity of churches is strongly enforced; it briefly lays down that the violation of church *frith* is to be double that of an ordinary breach of the king's peace. There was no necessity for any further declaration as to church sanctuary in this much condensed code; doubtless the missionaries from Rome would instruct Ethelbert as to the already well-established rules that affected the Christian churches of all lands.

Throughout the Anglo-Saxon period, the distinction between the king's peace, as answerable by penalties for securing the general safety of his subjects, and the Church's peace (*frith* or *fryth*), whereby clemency and mercy were freely extended, was frequently demonstrated both in law and practice. There was also another kind of Royal Peace whereby more permanent and extended immunity was granted by rulers in token of the special sanctity of the shrines of notable saints, but the administration of which was left entirely in the hands of the ministers or officials of a particular minster. This form of immunity came to be known as Chartered Sanctuary, and was entirely local in its operation. Two of the most noted examples were Beverley and Durham, which are subsequently noted at length. Very great confusion and misunderstanding have

often been caused by writers failing to discriminate between particular cases of chartered sanctuary, and those that pertained to every consecrated church and churchyard.

About the year 680, Ine, King of Wessex, put forth a code of laws, whereof the fifth chapter distinctly provides for sanctuary seekers: “If any one be guilty of death, and he flee to a church, let him have his life, and make *bot* (satisfaction or fine) as the law may direct him. If any one put his hide in peril (*i.e.* commit a crime punishable by stripes), and flee to a church, be the scourging forgiven him.”

Two centuries later, namely, in 887, Alfred the Great drew up a further code of laws, three of which (Nos. 2, 5, and 4) make special reference to church frith or sanctuary. There is a certain amount of obscurity as to the precise meaning of parts of Alfred’s enactments on this question (see Thorpe’s *Ancient Laws*) ; but these points are clear. Sanctuary seekers were to be protected for seven days, and under certain circumstances for thirty days. Any one harming a fugitive during these days of grace was to make *bot* or compensation for the injury according to the nature of the offence, and also to pay 120s. to the kinsfolk of the fugitive for the breach of church frith. The special sanctity of the “mynster-house” was also recognised by Alfred’s laws.

King Athelstan, in 930, provided that any

thief or robber flying to the king, to the bishop, or to any church, was to have immunity for nine days; if he fled to an alderman, an abbot, or a thane, three days. During that period the person of the delinquent was to be inviolable.

By the laws of King Ethelred, c. 1000, a sanctuary seeker, who had committed a capital offence, saved his life, but he had either to pay the proper *wergild* or compensation for his victim's life, or else go into perpetual imprisonment. If he freed himself by due payment, he had either to find a bondsman for his future good conduct, or else to take an oath that he would never steal, drive off cattle, or avenge his punishment. If he broke his oath, there would be no second resort to sanctuary. By later legislation under Ethelred, in 1014, a definite scale for violations of church frith was drawn up, whereby the penalty in the violation of a chief minster was to be £5, intermediate sums for an ordinary minster or church, and only 30s. for a field church having no burial-place. Canute's laws were of a like character.<sup>1</sup>

It is not right here to cite the sanctuary regulations attributed to Edward the Confessor, as it is now known that the so-called Laws of the Confessor really belong to the twelfth century or later.

Before proceeding to the legislation of

<sup>1</sup> See throughout *Ancient Laws and Institutes of England*, issued by the Record Commission in 1840.

Norman and later days, it may be well to make brief reference to a certain grievous violation of sanctuary which occurred during the Anglo-Saxon period, as recorded by William of Malmesbury.<sup>1</sup> In the year 1004 certain Danes condemned to death took sanctuary in the nunnery of St. Frideswide at Oxford ; whereupon the English were so enraged that they set fire to the monastery, which was burnt down, and the fugitives perished in the flames. Ample restitution was soon afterwards made, so far as it could be effected, by the rebuilding of the monastery and the increase of its endowments.

In the code of Anglo-Norman laws, which used to be attributed to William the Conqueror and are known as *Leis Williame*, but which most likely belong to the twelfth century, we find a law which marks a continuance of the sanctuary legislation of Ethelred and Canute. The very first enactment treats of the peace and immunity of the Church, and provides that any one accused of any kind of crime who flies to a church is to be held secure of life and limb. Any one laying violent hands on a fugitive in a cathedral or abbey church was subject to a fine of 100s ; in a parish church, 70s ; and in a chapel, 10s. In the Conqueror's statutes, given in the *Textus Roffensis*, there is no mention of sanctuary ; but as chapter seven confirms the old laws, this would include previous sanctuary. That the Conqueror had

<sup>1</sup> *De Gestis Pontificum*, lib. iv. c. 178.

strong feelings in favour of sanctuary is obvious from the extraordinary privileges in that direction conferred on Battle Abbey, of which particulars are given in a later section of this book. As the laws attributed to the Confessor are now accepted as of twelfth century date, the definite references therein to sanctuary may be accepted as pertaining to early Norman rule. The fifth section of this code provides that those in sanctuary were not to be removed save by the priest or his ministers. Immunity was also extended to the priest's house and its courtyard or entrance. No fugitive was to retain stolen property ; if he brought any with him, it was to be restored to the owner. In cases where a criminal resorts several times (*sepius*) to the church or priest's house, he is to forswear the province, and if he returned no one should presume to receive him, excepting by the consent of the king's justices.

In this last clause is the earliest known reference to the formal Abjuration of the Realm by the sanctuary fugitive, which came into precise operation in the beginning of the thirteenth century. But in this case it is the forswearing of the province rather than the kingdom, and no definite conditions are stated. Abjuration was of Anglo-Norman origin and peculiar to England ; it was a development of outlawry which was well known in Anglo-Saxon days. Any man committing a grave offence, who fled from justice, was as a rule proclaimed an outlaw ;

he was outside the pale of the law's protection and his goods were forfeited to the Crown. The outlaw might be killed or hunted by any one whilst on English soil with impunity, and his only safety was to be found in some other kingdom. Abjuration, on the other hand, was always allied with sanctuary fugitives ; the process before the coroner was far simpler and more speedy than in outlawry, and the person of the abjuror was sacred, under certain conditions, whilst seeking a port of embarkation.

When, under Norman rule, sanctuary rights were so frequently used in the disturbed condition of the kingdom, it became necessary to resort to more precise methods of protecting the ordinary church fugitive from the secular arm when the days of refuge expired. Hence arose the abjuration of the realm made on oath by the fugitive who declined to submit to trial, or whose prosecutor could not be pacified. Certain casual and careless writers, exclusive of novelists who are ever ingenious in the construction of their own laws, have assumed that abjuration, as a sequel to sanctuary-seeking, prevailed throughout Christendom, and that continental countries were in the general habit—to use modern parlance—“of dumping their aliens” on our shores, in the same way as England exiled large numbers of her fugitive criminals to the shores of France or the Low Countries. But this was far from being the case. It has been pointed

out by an able French scholar, the late M. André Réville,<sup>1</sup> that this form of abjuration was essentially English, and that so far as it prevailed, for a time and irregularly, in Normandy, it has to be considered as derived from England ; it was “an insular institution transported to the Continent, and not a continental practice brought into the island by foreign invaders.”<sup>2</sup>

Abjuration of the realm followed the same course as the pronouncement of ordinary outlawry in being inseparably connected with the office of coroner. Although this part of their duty is not distinctly defined in the Act of 4 Edward I., *De Officio Coronatoris*, it is clearly laid down in the three legal treatises of that reign known respectively as Bracton, Britton, and Fleta. In Britton’s treatise, *De Coronners*, section 18 runs : “ We will also that the coroners receive the confessions of felonies made by approvers in the presence of the sheriff, whom we intend to be his controller in every part of his office ; and let them cause such confessions to be enrolled. And when any man has fled to church, we will that the coroner, as soon as he has notice of it, command the bailiff of the place that he cause the neighbours and the four nearest townships (to form a jury) to appear before him at a certain day at the church where the fugitive shall be ; ”

<sup>1</sup> See an admirable article in *Revue Historique*, September 1892, entitled *L’abjuratio regni; historie d’une institution anglaise.*

<sup>2</sup> Trenholme’s *Right of Sanctuary*, 23.

and in their presence he shall receive the confession of the felony ; and if the fugitive pray to abjure our realm, let the coroner immediately do what is incumbent on him. But if he does not pray abjuration, let him be delivered to the township to be kept at their peril.”<sup>1</sup>

Bracton’s *De Corona*, in the sixteenth chapter, deals thus with sanctuary seekers :—

“ There are some persons, who, when they ought to be captured, flee to a church or other religious or privileged place, and keep themselves in the church, and in which case there is nothing intermediate, except that they come within the protection of the king to stand their trial, if anybody wishes to accuse them, or that they acknowledge the misdeed for which they keep themselves in the church, and so he shall have an election. And in which case, if having acknowledged his misdeed he has elected to abjure the realm, he ought to choose some port by which he may pass to another land beyond the realm of England, because he is not bound to abjure the land and power of the king precisely, but only the realm of England. And there ought to be computed for him his reasonable travelling expenses as far as that port, and he ought to be interdicted from going out of the king’s highway, and from delaying anywhere for two nights, and from entertaining himself anywhere, and from turning aside from the high

<sup>1</sup> Britton, edited and translated by F. M. Nichols (1865), i. 17.

road except under great necessity or for the sake of lodging for the night, but let him always continue along the straight road to the port, so that he shall always be there on the appointed day, and that he shall cross the sea as soon as he shall find a ship, unless he shall be impeded by the weather ; but if he does otherwise, he shall be in peril."

As to the oath by which they shall abjure the realm, Bracton continues :—

"Hear this, ye justices or ye coroners, that I shall go forth from the realm of England, and shall not return thither again, except with the license of the lord the king or of his heirs, so God me help. And in making this oath let no mention be made of any impediment. But what shall be said, where he has not wished to choose any port ? because he may without a port and sea go forth into another kingdom, and then it may not be unfitly said, where it is said that he has chosen a port, that he has chosen a passage by such a vill, by the road which goes to Scotland or Ireland or elsewhere. But it is not always necessary that he acknowledge the misdeed, for he may submit. If he has taken refuge in the church after he has been condemned by the country, whether before judgement or after it, or if he has fled to the church when he has been captured in seysine, and in none of those cases, when he has fled to the church, can he remain for forty days in the

church, as some say, but forthwith on the coming of the justiciaries or of the coroners he ought to go forth and obey the law of the land. But the space of forty days was to be allowed formerly to the condemned according to the assize of Clarendon, who, when they ought to go forth from the realm, might have a delay of forty days, and seek the subsidies of their friends.

“The Constitution was of this kind, that although a person should purge himself by the ordeal of water or of fire, he should nevertheless abjure the realm, and he had that space on the aforesaid occasion, which is not to be conceded to others. But what if he, who has fled to the church, is unwilling to leave it, can he be dragged out forcibly by a lay hand? Not, as it seems, for this would be horrible and unhallowed. It seems, therefore, that the ordinary of the place, such as the archdeacon or his official, the dean or the parson, may do this, and ought to compel him to go forth, for the sword ought to assist the sword, and the execution of the law works no injury, and when such a person will not go forth unless compelled, there is a vehement presumption against him, that he is an evil person, and to maintain him in the church will be nothing else than (when he is a public robber) to act in the highest degree against the peace and against the king himself, who ought to protect the peace for the security of all, and if the said person cannot be compelled to go forth, at least

when he has been in the church for one night at most, he may maintain himself in the church for forty days, and for a year, and for two years, if this be the pleasure of the malefactor. What therefore shall be done, when ordinaries are afraid of irregularity, and laymen of excommunication? I see nothing else, than that they should deny such a person victuals, so that he may go forth gratuitously and seek what he has contemptuously refused, and he, who after this has supplied victuals to the said person, shall be taken to be as it were an enemy of the king, and a presumer against the peace of the king, and so let it be done with all who ought to abjure the realm and be sent into exile.”<sup>1</sup>

Pardon was occasionally obtained from the Crown by abjurors who were permitted to return to the realm. In subsequent extracts from the Patent and Close Rolls instances are given of such pardons being granted in 1213 and in 1441 (pp. 262, 268), and various others occurred between these dates and subsequently.

A singular case came before Parliament in 1330. John Lengleyse, of Wyrhale, who had slain the Mayor of Lynn, escaped to the sanctuary of Holy Church, and abjured the realm before the coroner. But after three years he returned to England, was taken prisoner, and endeavoured to appeal. One Allen de Tesdeyl

<sup>1</sup> Bracton, *De Legibus et Consuetudinibus Angliae* (Rolls Series), vol. ii. pp. 393-9.

had the appellant in charge, and took him from county to county until they came to Yorkshire, and there he caused to be indicted Peter de Manby, John Mauliverer, and Geoffrey Dupsal, and brought them to London (probably as witnesses), where they awaited the return of Roger de Mortimer, who was beyond the seas. In this way Allen claimed to have spent all that he had to the amount of 1000 marks, and petitioned Parliament to make it good. But the petition was not allowed.<sup>1</sup>

In considering the question of sanctuary in England right through these pages, it must always be borne in mind that the whole matter involved a perpetual conflict between the State and the Church. The Church was merciful, and was ever desirous of saving at least the life of the criminal ; but the State, in its punishment of wrong-doers, must also be held to be well within its rights in endeavouring to prevent criminals from gaining access to sanctuaries, and in jealously watching and warding the church and churchyard wherein a fugitive had taken refuge, lest the delinquent should escape otherwise than by abjuration before the coroner. To quicken the national pulse in the duly warding of the consecrated area wherein the criminal was immune, the township which permitted an escape was invariably fined by the justices of assize. The first reference to sanctuary in the

<sup>1</sup> *Rolls of Parliament*, ii. 37.

Statutes of the Realm is concerned with this question of warding.<sup>1</sup> In 1315–16, in the first statute of 9 Edward II., under the head of *Articuli Cleri*, the tenth section runs as follows :—

“Also where some flying unto the Church, abjure the Realm, according to the custom of the Realm, and Laymen or their enemies do pursue them, and pluck them from the King’s Highway, and they are hanged or beheaded; and whilst they be in the Church are kept by armed men within the churchyard and sometime in the Church, so straitly that they cannot depart from the hallowed Ground to empty their Belly, and cannot be suffered to have necessaries brought unto them for their living:

“The Answer. They that abjure the Realm so long as they be in the Common Way, shall be in the King’s Peace, nor ought to be disturbed of any Man; and when they be in the Church, their keepers ought not to abide in the Church yard, except Necessity or Peril of Escape do require so. And so long as they be in the Church, they shall not be compelled to flee away, but they shall have Necessaries for their Living, and may go forth to empty their Belly. And the King’s Pleasure is, that Thieves or Appellors whensoever they will, may confess their Offences unto Priests; but let the Confessors beware that they do not erroneously inform such Appellors.”

<sup>1</sup> This subject of warding is also treated of in chapter xi.

Many difficulties and disputes arose as to the question of warding the sanctuary man, and there were different customs in different towns. These are discussed and illustrated in chapter xi. under London, Canterbury, and Norwich. Some remarkable instances also occur on the Assize and Coroners' Rolls in chapter xiv., notably at Oxford and at Northampton.

This warding led to so many misadventures and disputes with the ecclesiastical authorities, that in 1377 the clergy prayed Parliament that such as fly to sanctuary may not be liable to watch and ward.<sup>1</sup>

The statute of 9 Edward II., already cited, contains further reference to sanctuary and abjuration. The fifteenth section provides that a clerk should not be compelled to abjure.

"Moreover, though a Clerk ought not to be judged before a Temporal Judge, nor any thing may be done against him that concerneth Life or Member; nevertheless Temporal Judges cause that Clerks fleeing unto the Church, and peradventure confessing their Offences, do abjure the Realm, and for the same cause admit their Abjuration, although hereupon they cannot be their Judges, and so Power is wrongfully given to Lay Persons to put to death such Clerks, if such Persons chance to be found within the Realm after their Abjuration; the Prelates and Clergy desire such Remedy to be provided

<sup>1</sup> *Rolls of Parliament*, iii. 27.

herein, that the Immunity or Privilege of the Church and Spiritual Persons may be saved and unbroken.

"The Answer. A Clerk fleeing to the Church for Felony, to obtain the Privilege of the Church, if he affirm himself to be a Clerk, he shall not be compelled to abjure the Realm; but yielding himself to the Law of the Realm, shall enjoy the Privilege of the Church, according to the laudable custom of the Realm heretofore used."<sup>1</sup>

The question of abjuring by the clergy had previously caused a difficulty in the reign of Edward I. The following is from the Calendar of the Close Rolls, 1286, July 5 : "To the keeper of the pleas of the crown in the hundred of Welle Wapentak. Oliver, Bishop of Lincoln, has shown the king that whereas Richard de Scardeburgh, chaplain, has fled to the church of Marton, in that bishopric, for larceny committed by him, and says that he is there prepared to abjure the realm, to the prejudice of the liberty of the church, and the bishop has besought the king to cause the chaplain to be delivered to him as diocesan, to be treated in accordance with the liberty of the church without making abjuration: as by the custom of the realm no one fleeing to a church for his trespass ought to remain therein more than forty days under the king's protection, the king orders the keeper to deliver the

<sup>1</sup> *Statutes of the Realm* (Rec. Com.), i. 172-3.

chaplain, if he have remained in the church for 40 days, to the bishop or his commissary to be kept until the quinzaine of Michaelmas next, so that, after the matter have been discussed before the king's council, the chaplain shall be led back to the church aforesaid to make such abjuration in the keeper's presence if it ought to be made, according to the decision of the king's council. Witness : Edmund, Earl of Cornwall."

Later in the same reign the Close Rolls of 1299 again refer to the special treatment of clergy in sanctuary : "To the sheriff of Salop. The king learns by the information of R., bishop of Hereford, that whereas John le Berner, a clerk of his diocese, fled for sanctuary to the church of the Austin Friars near Ludlow for a trespass committed by him against the king's peace, certain men of the town of Ludlow pursued him and withdrew him by force of arms from the church, and bound him with chains, and sent him thus bound to the prison of Shrewsbury Castle by the coroner of the county, and that he is detained for this and no other reason in that prison, to the injury of the liberty of the church, for which reason the bishop has besought the king to order a remedy : the king orders the sheriff, if he finds this true, to deliver the clerk from the said prison and take him back to the church."

The grave abuses of sanctuary by debtors was dealt with by Parliament in 1379. The statute 2 Richard II., st. ii., c. 3, provides that in order

to check all debtors who make feigned conveyances of goods or lands to their friends or others, and then flee to chartered sanctuaries, abiding there a long time, and taking profit of their lands and goods by fraud and collusion, thereby wronging their creditors, if sheriffs should make return that they have not taken certain debtors because they are in refuge in privileged places, proclamation was to be made once a week, for five weeks running, at the gate of the privileged place, summoning such persons to appear before the king's justices at a given date, and on their failure to appear in person or by attorney, judgment shall be given against them, together with execution of their goods and lands. An instance of this fivefold proclamation before the gates of Colchester Abbey is subsequently cited under chapter ix.

It may be well here to quote the important passages relative to sanctuary in that book of mysterious origin and doubtful authority, the *Mirror of Justice*. It is now known that it was written or compiled before 1290. The authorship and intention of the book remain a riddle, but the probabilities are that it was composed by one Andrew Horn, chamberlain of the city of London, who died in 1328.<sup>1</sup>

This is what the book has to say as to

<sup>1</sup> See Dr. Holdsworth's *History of English Law* (1909), ii. 284-90. The *Mirror of Justice* was first printed in 1642, and translated in 1646. The best edition is that of the Selden Society (1898), by Mr. Whitaker, with an introduction by Professor Maitland.

sanctuary in England, and in this particular the writer may be taken as broadly accurate :—

“ *First: Sanctuary when not Allowed.*—If any fly to sanctuary, and there demand protection, we are to distinguish : for if he be a common thief, robber, murderer, or night walker, and be known for such, and discovered by the people, and of his pledges ; or if any one be convicted for debt or other offence, upon his own confession, and hath never abjured the realm, or hath been exiled, banished, outlawed, or waived, or if any one have offended in sanctuary or joined upon this hope to be defended in sanctuary, they may take him out thence, without any prejudice or the franchise of sanctuary.

“ *Secondly: Sanctuary when Allowed.*—But in the right of offenders who, by mischance, fall into an offence, mortal out of sanctuary, and for true repentance run to monasteries, and commonly confess themselves sorrowful and repent, King Henry II., at Clarendon (1164), granted unto them that they should be defended by the Church for the space of 40 days, and ordained that the town should defend such flyers for the whole 40 days, and send them to the Coroner at the Coroner’s view.

“ *Election.*—It is in the election of the offender to yield to the law, or to acknowledge his offence to the Coroner and to the people, and to waive the law. And if he yield himself to be tried by law, he is to be sent to the

gaol, and to wait for either acquittal or condemnation.

“ And if he confess a mortal offence, and desire to depart the realm without desiring the tuition of the Church, he is to go from the end of the sanctuary ungirt in pure sackcloth, and there swear that he will keep the straight path to such a port, or such a passage which he hath chosen, and will stay in no part two night together, until that for his mortal offence, which he hath confessed in the hearing of the people, he hath avoided the realm, never to return during the King’s life without leave, so help him God and the good Evangelists : and afterwards let him make the sign of the cross and carry the same, and the same is as much as if he were in the protection of the Church.

“ And if any one remain in sanctuary above the 40 days, by so doing he is debarred of the grant of abjuration if the fault be in him, after which time it is not lawful for any one to give him victuals. And although such be out of the peace and the protection of the King, yet none ought to dishearten them ; all are as if they were in the protection of the Church, if they be not found out of the highway, or wilfully break their oath, or do other mischief in the highway.”

Book V., at the end of the *Mirror*, gives a list of “ Certain Abuses held for Usages.”

No. 23 states that “ it is an abuse that felons who abjure the realm are not allowed to choose

their own port of departure from the realm. It is an abuse that ports are assigned to them and their journeys limited."

No. 24 further adds that "it is an abuse that these abjurors are compelled to wade into the sea and raise hue over the sea, and that the foot-paths that run beside the great roads are forbidden them, and that they cannot use the roads and hospices in the manner of pilgrims."

In one respect this highly interesting account of sanctuaries gives a wrong impression. It might be supposed from the phraseology used that, on the death of the king in whose reign abjuration was made, the exile was free to return. Had this been the case, there would have been a striking analogy with the death of the high priest and the Jewish cities of refuge; but such a custom did not prevail. The rule was that the abjuration was lifelong, unless Crown pardon was obtained.

As to the port of embarkation, Dover was the most usual one assigned by the coroner, even when it involved a journey of many days. From this port the distance was shorter, and the vessels more numerous than elsewhere, in order to gain the shores of either France or Flanders. The Coroners' Rolls not infrequently name the port in cases of abjuration, but there is very rarely an entry of this kind on the Assize Rolls.<sup>1</sup> Although Yorkshire was bordered by the sea, and there

<sup>1</sup> See chapter xiv.

were many nearer ports, Dover was the one generally selected for the delinquents of that county. The days assigned for the journey to Dover varied from fifteen to eight, whilst twelve was of the most common occurrence. In a few instances from the north of Yorkshire the abjuror was directed to make his way to Berwick, whence the exile was apparently at liberty to enter the kingdom of Scotland instead of crossing the seas. Two or three East Riding cases were dispatched to Hull. Dover was the usual and almost invariable port from the midland counties of Derby, Nottingham, Northampton, and Leicester, as well as occasionally from Norfolk and Cambridge.

The following is a list of various ports for the embarkation of abjurors which I have found entered in Coroners' Rolls or in a few other official records, in the order of their occurrence:—on the coast line are: Berwick, Tynemouth, Newcastle-on-Tyne, Hull, Boston, Lynn, Yarmouth, Ipswich, Orwell, Rochester, Sandwich, Dover, Winchelsea, Portsmouth, Southampton, Plymouth, Lostwithiel for Fowey, Looe, Padstow, Ilfracombe, Bristol, Chester, and Lancaster. The Ilfracombe case (chapter x.) is remarkable, for it is implied that the abjuror was to proceed to Wales. The solitary case that I have found of Rochester occurs on a Nottingham roll of 1349, when the delinquent was sent on an eight days' journey from Newark.

With regard to the abjuror selecting his own

port, which appears from the *Mirror of Justice* to have been the original custom, I have only met with two instances wherein the granting of such a choice is distinctly affirmed. One of these occurred in the liberty of St. Peter of York, and was evidently accompanied by some exceptional circumstances. The delinquent not only chose his own port, which was Dover, but was apparently allowed the privilege of fixing the length of his journey, taking the very wide margin of forty days.

An imperfect Coroner's Roll, which covers a considerable period of the reign of Edward III., has an interesting entry under the year 1362. On Monday after the Feast of St. Bartholomew, Walter, the baker of St. Oswalds, was found dead in a suburb of Gloucester. Richard Spelby, who had killed him with a knife, fled to the church of the Blessed Virgin before the gate of the abbey, and there remained until the Monday after the Feast of St. Leodgarius (October 2)—namely, for the full legal limit of forty days. On this last date he abjured the realm, and the coroner, instead of assigning him a port, gave the fugitive the choice of a place of embarkation. The port of Bristol was not unnaturally selected, and his wish is recorded—the only time that I have found an entry of this kind—that he might proceed to France. Thereupon Richard set forth for Bristol by the king's highway, through the south gate, cross in hand (*cruce in manu*). It

is impossible to resist the conclusion that coroners must have occasionally assigned to the abjuror a very distant port as an extra humiliating punishment. Under no other plea does it seem possible to understand why a Norwich coroner, in the year 1295, should assign to one sanctuary keeper the port of Portsmouth, giving him three weeks in which to reach it, and in another case the port of Southampton with a month for the journey.

The age and condition of the delinquent must also have been taken into account, for varying days are allowed for the same journey. Occasionally the rate of progress for these unhappy pedestrians was excessive, and would put a considerable strain on modern athletes over a good road. Thus the distance from York to Dover over London Bridge was nearly 270 miles, and there are several entries of eight days being the allotted time, thus maintaining a rate of over 33 miles a day. In the case of eight days from Northallerton to Dover, which means an additional 29 miles, and in one or two other cases involving a still more rapid rate, it is scarcely possible to resist the idea that the coroner's scribe has made a blunder.

There are some interesting abjuration entries on a general Coroner's Roll for the county of Norfolk, which covers the period of 35 to 45 Edward III. In three of these cases, which occurred respectively in the churches of Tattersett, Narford, and Didlington, the coroner

assigned the port of Yarmouth to the fugitives. In the first two instances three days were allotted for the journey, a distance of about 45 miles. But to John Cone of Didlington, who took refuge in the church of St. Peter of Heckwold, for stealing seven lambs, value 10s., the distance was fully 50 miles, and yet he was only granted two days to reach Yarmouth. It is to be supposed that the coroner noted that the exile was in full vigour.

Three other Norfolk cases on this roll were assigned to Sandwich, a Kent port, 13 miles north of Dover. In two instances the delinquents had fled to the churches of Mundford and Wretham in the south of the county, and it was fairly reasonable to allow eight days for the journey, particularly the one from Mundford, whose age is entered as thirty-two.<sup>1</sup> But when one John Kipernol fled to the church of Gayton, a few miles north of Lynn, and on abjuration was assigned to Sandwich, a distance of over 170 miles, and was ordered to accomplish it in four days, it seems an impossible task, although he was of the age of twenty years.

It appears to have been the custom for the coroner to give explicit instructions to the abjuror as to the places where he was to halt for the night, though such directions are very rarely to be met with on the rolls. When John de Bokenham fled to the church of Mildenhall, in

<sup>1</sup> I have only met with some half-dozen cases in which the delinquent's age is registered.

1362, to escape death for having stolen a horse worth 20s., he abjured the realm, and the Suffolk coroner assigned to him the port of Yarmouth, which he was to reach within three days. The first day he was to stop at Thetford, the second at Norwich, and to reach Yarmouth on the third day, a distance of upwards of 60 miles.

In the same church, and nearly at the same date, another horse-stealer abjured the realm before the same coroner. The official's action in this second case makes it quite obvious that the condition and age of the abjuror were taken into account. The coroner assigned Yarmouth as the port for John de Chelmsford, but he gave him six days wherein to reach it. The first day he was to reach Thetford, and there tarry for a day; the third day he was to halt at Attleborough, the fourth at Norwich, the fifth at Acle, and on the sixth to enter Yarmouth. It will be noted that the first offender was expected to walk the whole way from Thetford to Norwich, a distance of 29 miles, in one day, whilst the other man broke the journey half-way; and the like occurred in the stretch of 21 miles between Norwich and Yarmouth.

Three years later a fugitive to the church of Eriswell, to the north of Mildenhall, was ordered to proceed to the port of Ipswich within three days, breaking his journey at Bury St. Edmunds and Stowmarket. This arrangement involved a march of about 15 miles a day.

It is interesting to note the ingenuity of an intelligent coroner in separating two or more fellow-criminals who had gained refuge in the same church, and who were probably reckoning on tramping together to the same port and being fellow-voyagers across the seas. A striking instance of this occurred at the church of Amesbury, Wiltshire, in 1348. Three highwaymen set upon two travelling hawkers on Amesbury Hill, robbed them of their pack-horses and of a considerable store of valuable cloth and velvet. Afraid of detection, they fled to the church, confessed, and abjured the realm, whereupon the coroner despatched one to the port of Plymouth, another to Portsmouth, and the third to Bristol.

Information is not forthcoming as to any payment being made to the vessel on which an abjuror embarked. Most probably the first available ship was compelled to carry a passenger of this description. It is also somewhat puzzling to wonder what became of these abjurors when they landed on foreign shores. In some cases it is quite possible that their friends provided them with a certain amount of funds before the voyage began. Those on the coast across the seas would also become tolerably familiar with England's custom in this respect. Catholics would be well aware that this was no mere national custom, but that it had been recognised by papal authority; and as the insufficiently clad fugitive, cross in hand, disembarked, he would

be pretty sure of receiving, at all events for a time, shelter and food at the hands of the clergy, the religious, or the faithful laity. It is, however, highly probable that the exile would ere long join the criminal classes in the new country. Space is not available for even the briefest attempt to deal with the sanctuary question in the different parts of continental Christendom.<sup>1</sup>

The abjuror of early days was expected to discard all his clothes, which became the perquisite of a church official, and to wear a single garment of sackcloth. The form of doing this was maintained at Durham until its sanctuary was abolished (chapter v.). We also find entries enjoining the fugitive to go forth bareheaded and barefooted. But during the fourteenth century shirt and breeches are mentioned as the dress in several instances. Several examples of the beheading of an abjuror who had strayed from the highway, by the populace or individuals, will be found in the following pages. Under chapter xiv. particulars are given of two Huntingdonshire cases of the thirteenth century, and of two fourteenth century cases, the one in Northamptonshire and the other in Lincolnshire.

There is no need for further recapitulation with regard to details as to abjurors or the incidents affecting other sanctuary seekers, such as their escape after some days of security in order to avoid abjuration, which will be found in the

<sup>1</sup> See Henrick Brunner's *Deutsche Rechtsgeschichte*.

subsequent pages ; it is assumed that those who are sufficiently interested in the subject to read thus far will continue to the end of the work, and special subjects will be found grouped together in the index.

The numbers who made use of sanctuary privileges, whether transitory in the ordinary church, or of long duration in the chartered sanctuaries, will probably much surprise those to whom these studies are a novelty. We are convinced that Professor Trenholme's estimate that there were usually a thousand persons in sanctuary during any given year for several centuries of England's history, is by no means an exaggerated estimate.

There is no occasion to offer any general reflections on the life and customs and treatment of the inmates of chartered sanctuaries, as the important examples are all severally discussed in subsequent chapters. It may, however, be remarked that though some of these chartered sanctuaries fell into desuetude as years went on, with the probable connivance of their ecclesiastical controllers, others, such as Westminster, St. Martin's le Grand, and Beaulieu in the south, and Durham and Beverley in the north, remained in vigorous use up to their general suppression by Henry VIII. The last of these was by far the most remarkable in England ; its bounds were the largest, and it offered certain facilities for the absorption of the permanent sanctuary men in the life of the town which were unknown elsewhere.

## CHAPTER II

### HISTORICAL INCIDENTS

The murder of St. Thomas of Canterbury—The forcible withdrawal of Geoffrey, Archbishop of York, from sanctuary—Hubert Walter, Archbishop of Canterbury, made Justiciar—The setting on fire of St. Mary le Bow to drive William Fitz Osbert out of sanctuary—Hubert de Burgh takes sanctuary in various places in 1232–3—Flagrant violations—The Westminster Abbey violation of 1378—Sanctuary under the Wars of the Roses—After the battle of Tewkesbury—An Oxford University incident.

IN this section it is proposed to draw brief attention to the prominent part played in English history by the prevalent national custom of sanctuary, which seems to have stamped itself far more firmly for five centuries on the story of our nation than was the case with any continental country. Occasionally the whole course of events was completely changed, and dynasties shaken by violations of sanctuary.

The first great incident of this character after the establishment of Norman rule, that of the murder of St. Thomas of Canterbury, rang throughout Christendom, and its effect in several directions lasted during the whole of the mediæval period. The fullest details are known as to every circumstance relative to this stupendous sacrilege, and the whole subject has produced so



THE SITE OF THE MARTYRDOM, CANTERBURY.



many volumes, treatises, and descriptions that it can be passed by in a short paragraph.<sup>1</sup>

At five o'clock, in the gloom of a winter's evening, on Tuesday, 29th December 1170, in front of the altar of St. Benedict, within his own cathedral church of Canterbury, the archbishop was murdered by four fully armed knights, after a fashion of mingled brutality and cowardice. As he fell before the altar, under repeated sword strokes, the faithful Edward Grim, himself severely wounded, heard the martyr whisper, "For the name of Jesus, and in defence of His Church, I am ready to die."<sup>2</sup>

The chronicler Henry Knighton, when lauding Henry II. for his firm rule, asserts, though doubtless with some exaggeration, that during his reign neither robber nor ravisher, nor any one guilty of homicide or any serious crime, was able to enjoy the immunity of Holy Church; and that it was for resisting this royal action, among other causes, that Thomas à Becket incurred the hatred of the king and his eventual assassination.<sup>3</sup>

The next breach of sanctuary of national

<sup>1</sup> *Materials for the History of Thomas Becket* (Rolls Series, 1875-85) run to seven volumes.

<sup>2</sup> Illuminations of the murder of St. Thomas of Canterbury are very frequent in ancient books, and it is not a little remarkable that in the large majority the strange mistake is made of representing the martyr as in the act of celebrating Mass, whereas he was in ordinary dress and entered the cathedral as vespers were ending. The frontispiece of this volume, taken from an early thirteenth century Psalter, is however, correct. It shows the archbishop in cassock and outer robe, with his cap on the ground, kneeling in front of the four murderous knights, with his cross-bearer in the background.

<sup>3</sup> *Henrici Knighton Leycestrensis Chronicon*, cap. xii.

moment concerns another prelate of archiepiscopal rank, namely, Geoffrey, Archbishop of York. Had not this incident occurred, it is highly improbable that John would ever have ascended the throne. The ancient priory church of Dover is sometimes cited as possessed of chartered sanctuary rights, but of this we have not been able to find any confirmation. But the ordinary sanctuary rights pertaining to consecrated buildings were deliberately violated in the case of this church towards the close of the twelfth century, after a fashion that caused a national upheaval. Geoffrey, the natural son of Henry II., was elected Archbishop of York in 1191, shortly before his half brother Richard's departure for the Holy Land. Geoffrey refused to be consecrated by the Archbishop of Canterbury, and in other ways annoyed the king. Richard is said to have wrung from his brother a promise that he would remain in Normandy until after his return from the Crusades, and that he would meanwhile abstain from seeking confirmation of his election at the hands of the Pope. Meanwhile, however, Geoffrey was consecrated at St. Martin's, Tours, by the archbishop and seven of his suffragans, and also obtained papal confirmation. Without conveying any information of his intention to William Longchamp, Bishop of Ely, Richard's regent and chancellor, Geoffrey set sail for Dover to enter into possession of his dignity. He was forbidden by the chancellor to land, and on his

persisting, a strict watch was set upon the vessel. But Geoffrey changing his clothes, managed to escape in disguise, and mounting a swift horse, gained the refuge of the conventional church. It was six o'clock on the morning of September 14th, and the monks were at Mass. The epistoler was just reading the words—"He that troubleth you shall bear his judgment, whosoever he be. . . . I would they were even cut off which trouble you" (Gal. v. 10, 12)—when, to their amazement, the Archbishop of York hurriedly entered the quire, claiming immunity from arrest in that sacred place. The accounts of different chroniclers are somewhat conflicting as to the exact time when Longchamp's servants violated sanctuary, but it was apparently at the close of the Mass which this entry had interrupted, and after Geoffrey had had time to array himself in pontifical vestments. Bursting into the church with violence, they dragged the archbishop from the very altar, and hurried him through the narrow dirty streets up to the castle, disregarding the cries of the populace—"What evil hath he done? Is he not an archbishop, and son of a king and the brother of a king." On reaching the castle they handed over Geoffrey to Matthew de Clere, the constable of Dover Castle, who had married Longchamp's sister. Prince John at once took open action against Longchamp, and, finding himself supported by the rest of the bishops as well as by the barons, declared that if

Geoffrey was not immediately released he would march on Dover and set him free by force. To this storm the imperious Longchamp, though papal legate, was obliged to bow, and his speedy downfall and exile were the result of this headstrong invasion of sanctuary rights. Eight days after his capture, Archbishop Geoffrey was led back to St. Martin's Priory, whence he shortly left for London, and was received in St. Paul's, on 2nd December, by the Bishop of London.<sup>1</sup>

The third striking incident relative to sanctuaries is yet again concerned with an archbishop, but is of a totally different character, for it exhibits a prelate playing the part of a determined statesman rather than an ecclesiastic. It shows to what extremes the State was occasionally willing to go, in defiance of all usual sanctuary custom, in order to secure the capture of an important criminal. Hubert Walter, who held the archbishopric of Canterbury from 1193 to 1205, was a distinguished statesman and lawyer, but gave great offence to the religious world by holding office under the Crown, in direct contravention of the principle for which Becket had died. As justiciar he was constantly involved in a multiplicity of secular business. In 1196, Walter, as justiciar, demanded of the city of London a certain sum of money towards the expenses of the war in France. It was to be raised by poll-tax, a

<sup>1</sup> See the chronicles of Hoveden, Brompton, Gervase of Dover, and Diceto.

monstrously unfair mode of assessment, whereby, as levied on persons not property, the wealthy escaped their fair proportion. The burgesses of the corporation opposed this, whilst the aldermen were in its favour. The former unfortunately damaged their cause by accepting the leadership of a violent and profligate man, one William Fitz Osbert, usually known as Longbeard. By his influence the common people, in vast numbers,<sup>1</sup> arrayed themselves as his supporters against the aldermen and magistrates. The city seemed on the brink of a great insurrection, but the justiciar caused the military to be summoned from the adjacent counties, made a specious address to the citizens, and at last felt himself strong enough to attempt the arrest of Longbeard. The insurgent leader was overwhelmed by a strong force, and took refuge for sanctuary in the church of St. Mary le Bow, with his mistress and children. This retreat was apparently wisely chosen, for it was a peculiar of the Archbishop of Canterbury, and Fitz Osbert naturally supposed that such a church would be specially respected by the primate. But he mistook his man. In Hubert Walter the statesman in such a crisis outweighed the ecclesiastic. The archbishop dreaded a delay which might arouse the fickle populace to resist the invasion of sanctuary immunity ; he summoned Longbeard to surrender, but his reply was to fortify himself in the church, and the order

<sup>1</sup> According to William of Newburgh, 52,000.

was instantly given to set fire to the building to compel him to come forth. The fire and smoke soon drove him out; for a time Longbeard gallantly fought, but, receiving a wound in the belly, he was overpowered, manacled, and taken to the Tower. Thence after a trial he was condemned to death, stripped naked, tied to a horse's tail, and dragged to Tyburn, there to lose the remnants of his life by hanging. The populace regarded him as a saint, and various miracles were said to have been wrought beneath the gibbet where his carcase hung in chains.<sup>1</sup>

This startling violation of the immunity of the Church by the first ecclesiastic of the kingdom aroused violent indignation in the religious world, and the archbishop would probably have had at once to bow to the storm, had not the moneyed classes of the city rallied to his support, for they believed that his energetic action had saved them from pillage. Eventually, in 1198, he was driven from the justiciarship, and one of the chief articles of complaint to the Pope alleged against him by the canons was this case of sanctuary violation.

In 1232, Hubert de Burgh, Earl of Kent, and chief justiciar of England, who had been so faithful a guardian of the king's interests during his minority, fell into disrepute with his royal

<sup>1</sup> Dean Hook, in his *Lives of the Archbishops*, vol. ii. ch. 11, has given a good harmony of the somewhat conflicting accounts of Newburgh, Gervase, Wendover, Matt. Paris, and Hoveden.

master, chiefly because he had opposed and frustrated an unwise war with France. Hubert, dreading the king's vengeance, took sanctuary within the Surrey priory of Merton. The most preposterous charges were made against him, including one of sorcery and enchantments by which he was said to have drawn the king's favour to himself above all others. When Henry heard of Hubert's place of refuge, he ordered the Mayor of London, with a great array of citizens, to drag the Earl out of his sanctuary and to bring him before the council dead or alive. They set forth, to the number of 20,000, with this intention, but wiser advice prevailed, and at the eleventh hour they were diverted from their intention. Through the intercession of Hubert's staunchest friend, the Archbishop of Dublin, the king was moved to grant him an assurance of protection until the following Twelfth-tide (it was then September), when he was to appear before the council. Hubert, believing himself secure for the present, left the shelter of the Austin priory of Merton, and set forth to join his wife, who was herself in sanctuary at Bury St. Edmunds. Meanwhile, however, his enemies again prevailed with the fickle Henry, and Sir Godfrey de Crancumbe, with three hundred men, was sent to apprehend the Earl whilst on his way through Essex. Having intelligence of their approach by night, Hubert hastily fled into a chapel at Brentwood

adjoining the house where he was then lodging, claiming sanctuary. From thence the soldiers roughly dragged him forth, although he was holding in one hand a crucifix, and in the other the pyx with the reserved Sacrament. A smith was sent for to make shackles of iron, but when he understood that they were for the aged justiciar, he refused to exercise his trade. Thereupon they otherwise bound their prisoner, placed him upon horseback, and conveyed him to the Tower.

This outrageous breach of sanctuary aroused the indignation of Roger Niger, the Bishop of London, whose diocese extended over Essex. He assured the king that if the Earl was not at once restored to the chapel from whence he had been dragged, he would excommunicate all the authors of the outrage. The king was obliged to give way, and Hubert was restored to the chapel ; but the sheriffs of both Essex and Hertfordshire received the royal command to guard the chapel with the greatest strictness, so that the prisoner might neither escape nor receive victuals from any one. A trench was dug around the chapel to prevent all access. It would have been possible for the Earl to follow the customary course and summon the coroner ; but in order to obtain release in that way, he would have had to confess to the truth of the various monstrous charges against him, which actually included that of poisoning the two Earls of

Salisbury and Pembroke, and would then have had to abjure the realm. Such action was of course impossible, and Hubert was obliged to come forth and surrender himself. Whereupon he was again taken back to the Tower. The king now relented somewhat towards his aged adviser, and again made promise that he would not take his life. Certain of his possessions were restored to him, and he was committed to the castle of Devizes, there to abide "in free prison" with the Earls of Cornwall, Warren, Marshall, and Ferrars as his sureties.

About Michaelmas 1233, news reached Hubert that the Bishop of Winchester was scheming his death. Thereupon he escaped out of the castle of Devizes, and fled once more to sanctuary in the adjacent church of St. John. Here, however, his pursuers found him before the altar, with the altar crucifix in his hands. Regardless of the sanctity of the place, he was seized, and brought back to the castle. The Bishop of Salisbury, in whose diocese this last outrage against Church privileges occurred, at once repaired to the castle, and endeavoured to secure the return to the parish church of the distinguished prisoner. On his solicitations proving ineffectual, the bishop excommunicated the whole garrison, and made formal complaint to the king. In this complaint the Bishop of London and other prelates joined. Again the king gave way, and the prisoner was restored

to sanctuary. The same policy, however, was adopted as at Brentwood, and the sheriff of Wiltshire was ordered to prevent any one bringing him victuals. On this occasion the action of the sheriff was in vain, for Richard Earl Marshall, who was then in rebellion against the king's evil advisers, rescued, with the aid of a troop of armed men, the ex-justiciar from his sanctuary, and carried him off to the castle at Chepstow.<sup>1</sup> The subsequent life of the aged statesman need not be here pursued.

Early in the reign of Richard II.—namely, in 1378—a monstrous case of violation of sanctuary occurred in Westminster Abbey, when an esquire named Robert Hawley, a sanctuary fugitive, was slain in front of the prior's stall at the very time of High Mass. All England rang with the outrage, and the consequences would have been still more serious, had not John of Gaunt been at the back of the sanctuary violators. The whole circumstances are set forth in the section on Westminster Sanctuary.

In 1404 grave complaints were alleged in Parliament against the perpetual sanctuary afforded by the collegiate church of St. Martin's le Grand, London; but this, with many other particulars, is set forth in another chapter dealing with that chartered sanctuary.

It has, too, been thought best to treat of

<sup>1</sup> Matt. Paris, *Chronica Majora* (Rolls Series), vol. iii. *passim*, is the chief authority for these incidents.

the constant and highly important use made of sanctuary by royal and other distinguished persons during the reigns of Henry VI. and Edward IV., owing to the fluctuating successes or reverses of the Wars of the Roses, under the respective sanctuaries of Westminster and Beaulieu. Under the latter, too, of these, an account is given of the several sanctuary seekings of that strange pretender Perkin Warbeck, between 1495 and 1499.

The Wars of the Roses, however, brought about considerable use of the temporary sanctuary afforded by churches up and down the country, apart from the prolonged shelter gained by entering such liberties as those of Westminster, St. Martin's, or Beaulieu. A notorious and shocking example of the violation of sanctuary after the fury of battle occurred in May 1471, after the strife of Tewkesbury, when Edward IV. treated the claimed immunity of the abbey church as vain.

“It is probable,” says Lingard, “that many of the Lancastrian leaders might have escaped by flight, if they had not sought an asylum within the church. While *they* were triumphant, they had always respected the right of sanctuary, and a hope was cherished that gratitude for the preservation of his wife, his children, and two thousand of his partisans, would restrain Edward from violating a privilege, to which he was so much indebted. But the

murder of the young prince had whetted his appetite for blood. With his sword drawn he attempted to enter the church: but a priest, bearing the host in his hand, ran to the door, and refused to move from the threshold till the king had given a reluctant promise to spare the lives of all who had taken refuge within the walls. For two days the promise was observed: on the third a body of armed men burst into the church, seized the duke of Somerset, with the lord of St. John's, six knights, and seven esquires, and dragging their victims to a scaffold, struck off their heads.”<sup>1</sup>

Though not of primary importance, it may, we think, be permissible to give here an account of an Oxford incident of the fifteenth century which is somewhat difficult to classify. The acts of the Chancellor’s Court, Oxford, give particulars of a remarkable dispute as to sanctuary that occurred in 1463. John Harry, a tailor, having wounded another man with a knife, fled for sanctuary to Broadgates Hall (*in aulum Latæ portæ*); this Hall belonged to the hospital or house of St. John Baptist without the east gate of Oxford, which had been often recognised as a place of immunity for fugitives. Master Walter Hill, a University proctor, ignorant of the rights of sanctuary granted to this Hall in old days by Roman pontiffs, dragged forth John Harry in spite of

<sup>1</sup> Lingard’s *History of England*, iii. 541-2.

his protestations and placed him in public custody, under a promise, however, to restore him to sanctuary in case his life should be in danger. Subsequently it was proved before the commissary of the University that the wound was not serious, and one Thomas Taylour was accepted as surety for the payment of a fine of 10s. by the accused; but in the end John Harry, pleading that he was still in jeopardy of his life, was restored by the proctor to sanctuary within the Hall from which he had been so rashly thrust forth; for the proctor became fully satisfied as to the privileges belonging to the hospital of St. John which extended to all the buildings within its precincts.<sup>1</sup>

<sup>1</sup> Anstey's *Munimenta Academica*, pt. ii. pp. 702-4.

## CHAPTER III

### THE SANCTUARY OF WESTMINSTER

No special sanctuary building — Stow's *Survey* — The murder of Hawley in the quire, 1378 — The abbot defies Parliament in 1388 — The case of Sir Robert Tresilian — Confession of John Paule, an abbey servant — John Russell, slanderer, voluntarily leaves sanctuary — The Duchess of Gloucester disbarred from sanctuary — Sanctuary violated in 1454 in the person of the Duke of Exeter — A companion of Jack Cade at Westminster — Edward IV.'s Queen in sanctuary, 1470 — Birth of Edward V. — The *coup d'état* of 1483 — The widowed Queen again in sanctuary — The boy Edward V. leaves sanctuary and is murdered — The oath of a Westminster fugitive — Historical MSS. Commission — Skelton, the poet laureate — Sanctuary rights destroyed by Henry VIII., but re-established under Mary — Abbot Feckenham's procession — Acts of Privy Council *temp.* Mary — Sanctuary again abolished by Elizabeth.

THE chartered right of sanctuary, a matter quite distinct from that degree of sanctuary which belonged to every consecrated church and church-yard, was shared by the great abbey of St. Peter of Westminster, as Dean Stanley says, with "at least thirty and three great English monasteries, but probably in none did the building occupy so prominent a position, and in none did it play so important a part."<sup>1</sup> The number of great monasteries, however, which exercised special sanctuary rights (apart from Cistercian

<sup>1</sup> *Historical Memorials of Westminster Abbey*, by Dean Stanley, 5th edit., p. 346. The Dean treats of this sanctuary at some length, pp. 346–53, but not a little of what he states is inaccurate.

houses) was by no means as great as the dean supposed, nor is he correct in supposing that there was at Westminster any particular ancient building, either of small or great extent, to which the term sanctuary specially applied.

As to the “rude vast pile of masonry,” “almost Cyclopean in structure,” supposed to consist of one church on the top of another, of Norman date, all specially assigned for sanctuary purposes, upon which Dean Stanley, Prebendary Walcott, and a cloud of imitative minor writers discourse, it is not pleasant to feel obliged to write that it is all so much moonshine. It is necessary to be explicit on this matter, for Sir Walter Besant also lent his considerable name during recent years to try and perpetuate this foolish blunder. All this originated in the day dreams of that imaginative antiquary, Dr. Stukeley, who was the first constructor of this mare’s nest in a paper read before the Society of Antiquaries on 30th October, 1755, and which appeared in the first volume of the *Archæologia*. Dr. Stukeley, in 1750, very roughly surveyed a great belfry of stone and timber covered with lead, erected by Edward III. about 1347, which was then being pulled down. The “two churches” were but two stages of this large bell-tower ; the whole building was even then called the belfry ; and the learned doctor seems to have invented the name sanctuary for it entirely out of his own imaginings. The absurdity of this idea was

shown up in *Notes and Queries* in 1895, but is still from time to time reiterated.<sup>1</sup> The fact is that at Westminster, as in other specially privileged houses, the whole precincts possessed the powers of immunity.

There are many fanciful surmises as to the early date of the sanctuary rights of Westminster, and of the mysterious visions associated with its origin, but it will here suffice to follow the chronicle of Stow in his *Survey of London*, who states that the privilege was "first granted by Sebert, King of the East Saxons, since increased by Edgar, King of the West Saxons, renewed and confirmed by King Edward the Confessor, as appeareth by this his charter following : "Edward by the grace of God, King of Englishmen ! I make it to be known to all generations of the world after me, that by speciall commandment of our holy father Pope Leo, I have renewed and honoured the holy church of the blessed Apostle St. Peter of Westminster, and I order and establish for ever, that what person of what condition or estate soever hee be, from whence soever he come, or for what offence or cause it be, either for his refuge in to the said holy place, he be assured of his life, liberty, and lims," &c. Stow expressly states that this privilege belonged to "the church, churchyard, and close," and not to any particular building.<sup>2</sup>

<sup>1</sup> *Notes and Queries*, Ser. VII., vol. viii. pp. 181-2.

<sup>2</sup> Stow's *Survey of London*, Clarendon Press Ed., 1908, vol. ii. pp. 111-12. This 1066 charter of the Confessor is supposed to be spurious.



THE QUIRE, WESTMINSTER ABBEY.



The first occasion when the attention of the nation at large was called to the question of sanctuary at Westminster occurred in the days of Richard II. Two knights of the Black Prince, Robert Hawley and John Shackel, who served with him in his campaign in the north of Spain in 1367, took prisoner a certain Count Denia at the battle of Najara. To raise money for his ransom, he was allowed to return home, leaving his son as hostage in his place. But the ransom never came, and the young count remained a prisoner. Some years later—namely, in 1378—John of Gaunt, who claimed in right of his wife to be King of Castile, demanded the young man's release, and when Hawley and Shackel refused to release him without ransom, they were committed to the Tower. They, however, contrived to escape, and took sanctuary at Westminster. There they were pursued by Sir Alan Boxhull, Constable of the Tower, and by Sir Ralph Ferrers with fifty armed men. They forced admission, pursued the two knights, who for greater safety had fled into the very quire of the church. It was the festival of St. Taurinus, on the 11th of August, and the time of high mass. The gospeller had just uttered the words, “If the goodman of the house had known what time the thief would appear,” when with a clash of arms the sacrilegious pursuers burst in upon the worshippers. Shackel managed to escape; but Hawley in trying to evade his murderers ran twice round

the quire, receiving divers sword thrusts as he fled. At last, pierced with twelve wounds, he fell dead before the prior's stall on the north side of the entrance to the quire. With him fell his servant and one of the monks. Hawley was regarded as a martyr, and obtained the honour of burial in the south transept. "A brass effigy and a long epitaph," says Dean Stanley, "marked till within the last century the stone where he lay, and another inscription was engraved on the stone where he fell, and on which his effigy may still be traced."<sup>1</sup> This murder in such a place, apart even from the peculiar sanctuary privilege, aroused the deepest feeling of dismay. For four months the abbey remained closed to all religious rites, and even the sittings of Parliament were suspended lest they should be contaminated by assembling near the scene of the outrage. Box-hull and Ferrers were solemnly excommunicated, and only eventually obtained absolution on payment of the then very heavy fine of £200. If it had not been for the influence of John of Gaunt, their lives would probably have been

<sup>1</sup> The spot where Hawley fell was long pointed out by the following lines incised in the pavement :—

M. Domini C. ter, septuaginta, his dabis Octo  
 Taurini celebrem plebe colente diem.  
 Hic duodena prius in corpore vulnera gestans,  
 Ense petente caput Haule Robertus obit  
 Cujus in interitu libertas, cultus, honestas,  
 Planxit militiae immunis Ecclesiæ.

See Neale and Brayley's *Westminster Abbey* (1818), i. 81-3; ii. 269.

forfeited. Meanwhile Shackley gave up his prisoner, but obtained the ransom of 500 marks, and another 100 marks a year for life.

The whole question arising from this murder in the quire of the abbey was brought before Parliament by the Archbishop of Canterbury and argued at length, with the result that formal confirmation of the sanctuary rights of Westminster, "as granted by the noble Kings Edgar, St. Edward, and other kings their successors," was registered.<sup>1</sup>

In the following year it was enacted that the goods of debtors taking refuge here were to be seized to defray all just claims.

A singular case, presenting some unusual points, occurred in 1388, as recorded in the chronicle of John Malverne.<sup>2</sup> A clerk, who was involved in a strife with the holder of a benefice on account of papal provision, took sanctuary at Westminster. He had petitioned the king's chancellor, the Bishop of Ely, in vain, and at last devised a plan to get his cause known at Rome. He wrote a long letter complaining bitterly of the chancellor, and committed it to a companion of his who was going to Rome as a brief-bearer. But the messenger, having business with the chancellor, showed him the letter. Whereupon his proceedings were brought before parliament,

<sup>1</sup> *Pleas of Parliament*, iii. 37, 50-1.

<sup>2</sup> See the continuation of Lumby's *Polychronicon Ranulphi Higden*, vol. ix. (Chronicles and Memorials).

and the clerk was charged with revealing the secrets of the kingdom and making false charges against the king's officials. It was asserted that sanctuary could not be afforded to one playing a treacherous part against his country, and the abbot of Westminster was summoned before parliament to justify his retention of the fugitive. The abbot failed to appease their anger, and on refusing to deliver the clerk into their hands, was pledged to keep the offender under special guard for four days until their further will should be made known. The clerk, hearing of their threats, placed himself close to the shrine of the Confessor, imploring that saint's aid and protection. On 31st May the commons and lords of parliament demanded the release to them of the fugitive out of sanctuary, for they considered it absurd that he should escape punishment for such a national offence as revealing the kingdom's secrets to outsiders, and that sanctuary was never intended to cover action of this description. The king, however, came to a contrary opinion, and was convinced that the privilege of sanctuary ought to be respected, but he promised to confer with the abbot. Parliament was not, however, yet appeased, and on 1st June clamour was again raised for the clerk's surrender ; among those who used the strongest language in this matter was Ralph Lord Basset. Eventually, however, the clerk was left in the abbot's custody until the next parliament.

The excitement of the parliament over the case of this nameless and apparently unimportant clerk was doubtless in the main owing to the semi-legal violation of Westminster sanctuary in the celebrated Tresilian case which had immediately preceded it. Sir Robert Tresilian was appointed chief justice of the King's Bench in 1381, and took a prominent part in securing the conviction and execution of those engaged in the peasants' revolt. In the affairs of 1387 the chief justice took strong action on the side of the court party. In November of that year Tresilian and others were accused of treason, and the king was forced to summon parliament to meet in February, 1388, to deal with the charge. Tresilian took to flight, and he was condemned in default. The accounts of Froissart and Knighton as to his discovery are somewhat conflicting, but there appears no reason to doubt that the record by Malverne is correct. It is definitely stated by that chronicler that Sir Robert Tresilian was found to be in sanctuary at Westminster on 19th February; that the abbey was attacked by a great mob; that the Duke of Gloucester prevented his being put to an immediate and cruel death, but that he ordered his arrest and caused him to be dragged forth out of sanctuary. He in vain pleaded the immunities of St. Peter of Westminster; he was brought before parliament the same morning, when he declared the process against him was invalid. Sentence was ordered

to be executed ; he was removed for a short time to the Tower, but in the afternoon of the same day he was dragged through the city and hung on the gallows of Tyburn.

On 18th April the king held an examination at Kensington of the charters and privileges of Westminster Abbey, in the presence of his new chancellor, the Bishop of Winchester. The chancellor held that under special circumstances a fugitive might be taken out of chartered sanctuary, arguing that otherwise the greatest wrongdoers might escape punishment. The king, however, refused to accept the chancellor's ruling, and stated plainly to the council that those who took Tresilian out of Westminster were guilty of sacrilege. Malverne further records, in connection with this case, that about the middle of May, 1392, a certain servant of the church of Westminster, by name John Paule, was indicted and convicted of murder. On being sentenced to be hung on 24th May, Paule made full confession of that murder, and of other matters that were on his conscience, bewailing his past life. He confessed to having persuaded fugitives to depart out of Westminster sanctuary who were afterwards caught and hung ; he had done the like to others who were afterwards caught and condemned to life imprisonment ; and more especially had he wickedly betrayed to certain of the parliament the fact that Tresilian was in secret disguise in that sanctuary. The chronicler calls attention

to this case as a token of God's revenge against sacrilegious offenders.

An interesting case occurred in 1415, which shows incidentally that the names of those in sanctuary at Westminster were not usually revealed. John Russell, a wool-packer of the city, circulated a malicious slander against Thomas Fauconer, ex-mayor, alderman, and mercer, in the parish of St. Mary le Bow, during the month of July, to the effect that one Richard Surmyn, who had been declared a heretic and burnt at Smithfield, held letters patent of pardon from the king, but that they were destroyed by Fauconer in contempt of the king. Thereupon, by the order of the king and his council, Fauconer was imprisoned in the Tower, and not released until he had paid £1000 for his alleged trespass and contempt. The ex-mayor on his release took action against Russell for this slander, and Russell was brought before the court of the mayor and aldermen. The latter, however, pleaded for adjournment as he was unprovided with counsel, and he was released on bail until 30th July, twelve citizens of London coming forward to be his sureties under pain of £100. But on the day appointed, Russell being called, made default; the inquiry proceeded in his absence, and the jury pronounced him guilty of malicious slander. He was condemned to stand for an hour in the city pillory on three several market days, with a whetstone, in token of his being a liar, hung from his

neck. The sureties were arrested and put in prison until they should pay the sum of £100 to the city chamberlain. On the same day they found the sum in money and goods and were released, imploring the mayor and aldermen for mercy as they were all poor men. Whereupon they were ordered diligently to endeavour to find and arrest the defaulter ; but in spite of many searches, and incurring much expense, they failed to discover his whereabouts. Meanwhile John Russell had betaken himself to sanctuary at St. Peter's, Westminster, and stayed there for three-quarters of a year without once coming out. But at last overcome by sorrow and contrition, both for his own misdeed and for the impoverishment brought upon his friends, Russell voluntarily left the Westminster sanctuary, and on 26th April, 1416, came before the mayor and aldermen in full court, and presented an ample and humble confession of his baseless slanders written in English in his own hand.<sup>1</sup> The records go no further, but it may be safely concluded that the pillory sentence was carried out.

The Duchess of Gloucester, Dame Eleanor Cobham, fled here for sanctuary in 1411. Roger Bolingbroke, this wretched woman's accomplice, assisted her to model a wax doll like Henry VI., which was exposed to a slow fire, in the belief that as the wax melted so would the king's health fade away. Bolingbroke and another

<sup>1</sup> Riley's *Memorials of London*, 630-4.

accomplice were arrested, and the former abjured his black art at St. Paul's Cross, on Sunday, 23rd July, and was eventually executed for high treason. The duchess, alarmed, fled to Westminster on the following Tuesday, but her claim to sanctuary was refused, as those guilty of heresy, necromancy, or witchcraft were always excluded from this immunity. The two archbishops held a court in St. Stephen's to investigate the charges, when her disbarment from sanctuary was confirmed, and after severe penance she was imprisoned for life.

In 1454, the Duke of York (the Protector), the Earl of Warwick, and others excited the wrath of many, and the indignation of the abbot and his monks, by violating the sanctuary of Westminster by taking thence John Holland, Duke of Exeter, a fugitive, and conveying him to imprisonment to the castle of Pontefract. The excuse made was that Holland ought never to have been admitted to sanctuary as he was a traitor.

In the same year the case of "Robert Ponycys, late of Suthwerk, in our Counte of Surr<sup>y</sup>, Esquier," was brought before Parliament in consequence of his stirring up riots in Kent. He is described as having been "Karver and Sword Berer to the most heynous Traytour John Cade." He had made submission and been pardoned for his participation in that rebellion, but he had subsequently taken part in many riots and offences,

and had taken “santyarye and liberti of the Chirche of Westm<sup>r</sup> for tuition.”<sup>1</sup>

At no time in its history did the sanctuary of Westminster play so important a part in leading national events as in the distressful days associated with the rule of Edward IV. and the fall of the house of York. When this king was driven abroad in the autumn of 1470 by the rising of the Nevilles to replace Henry VI. on the throne, Edward’s queen, Elizabeth Woodville, stole secretly out of the Tower on 1st October and gained sanctuary at Westminster. “There like a woman forsaken,” as Speed says, “shee solitarily remained, and on the fourth of November following was delivered of a Sonne, which without all pompe, more like a private mans Childe than a Prince, was there also baptized by the name of Edward, who after his father’s death a while was King of England, as shall be said; other Sanctuaries were full of King Edward’s friends, that prayed devoutly for his prosperous health and well hoped the world would againe turne, as slowly it did.” Elizabeth was not, however, quite so solitary as Speed represents. We know from other authorities that she was accompanied on this occasion to sanctuary by her three young daughters, by her mother Jacqueline, and by Lady Scrope; the abbot supplied them with provisions, “half a loaf and two muttons” daily. The infant prince was baptized by the

<sup>1</sup> *Pleas of Parliament*, v. 247-8.

sub-prior, with the abbot and the Duke of Bedford as his godfathers, and Lady Scrope as his godmother.

In April, 1472, Edward VI. again got the upper hand and returned to England. One of his first acts was to visit Westminster and rescue his queen, with the infant prince, from her six months' confinement in sanctuary. Abbot Milling was rewarded for his courtesy by being promoted to the see of Hereford.

Eleven years later Elizabeth Woodville paid a much more distressful visit to this house of refuge for troubled royalties. In June, 1483, the false-tongued Richard, Duke of Gloucester, came to London with his sanctuary-born nephew, the boy-king Edward V., nominally to prepare for his coronation. But Edward V. was lodged in the Tower, and the queen recognising the malignant treachery of the Duke, fled again to her refuge of Westminster, taking with her her five daughters, and her second son Richard, Duke of York, a boy of nine years. Richard's schemes to outwit his rivals in this, the most scandalous of all English *coup d'états*, were so well laid, that had it not been for a door of communication leading direct from the palace into the abbey, the queen and her children would never have gained the sanctuary; the closest watch and ward was set on the roads leading to Westminster to prevent any supporters of Edward V. from reaching the refuge, whilst the Thames was

alive with boats manned by the Duke's adherents for a like purpose.

The discussions which arose at this time as to sanctuary are of considerable interest, and the details are set forth so fully in the *History of the Reigns of Edward V. and Richard III.*, and by other chroniclers, that it is not necessary to apologise for treating this episode at some length. The extracts are taken verbatim from Speed's *Historie of Great Britaine*. News of this sudden action came to the Archbishop of York, then Chancellor of England, during the night, causing him much alarm.

“ And thereupon by and by after the messengers departure, hee caused in all hast all his seruants to be called vp, and so with his owne household about him, euery man weaponed, hee tooke the Great Seale with him, and came yet before day vnto the Queene. About whom hee found much heauinesse, rumble, haste and busynesse, carriage and conueiance of her stuffe into Sanctuary, chests, coffers, packes and fardels, trussed all on mens backes, no man vnoccupied, some lading, some going, some discharging, some comming for more, some breaking downe the wals to bring in the next way, and some drew to them to helpe to carry a wrong way. The Queene her selfe sate alone on the rushes, all desolate and dismayed, whom the Archbishop comforted in the best manner hee could, shewing her that hee trusted the matter was nothing so

sore as shee tooke it for, and that he was put in good hope and out of feare, by a message sent him from the Lord Chamberlaine: Ah woe worth him (quoth the Queene) hee is one of them that laboureth to destroy me and my bloud.

“ Madam (quoth hee) be of good cheare: for I assure you, if they crowne any other King then your sonne, whom they haue now with them, wee shall on the morrow crowne his brother, whom you haue here with you: and here is the Great Seale, which in like sort as that noble Prince, your Husband deliured it vnto mee, so here I deliuer it vnto you, to the vse and behoofe of your sonne, and therewith hee betooke her the Great Seale, and departed home againe, euen in the dawning of the day: by which time hee might in his Chamber window see all the Thames full of boats of the Dukes of Gloucester’s seruants, watching that no man should goe to Sanctuary, nor none should passe vnsearched.”

After recording the false obsequiousness of Richard to the young king at a council where he got himself proclaimed Protector, Speed proceeds:—

“ Now although that the Protector so sore thirsted for the finishing of those designes which he had begun, and thought every day a yeare till they were atchieued, yet durst he no further attempt, so long as hee had but halfe his prey in

his hand : well witting, that if hee deposed the one Brother, all the Realme should fall to the other, if he either remained in Sanctuary, or should be conueyed to his further liberty : wherefore, incontinent at the next meeting of the Lords in Councell, he proposed vnto them that it was a hainous deed of the Queene, and proceeded of great malice towards the Kings Counsellors, that she should keepe in Sanctuary the Kings Brother from him, whose speciall pleasure and comfort were to haue his Brother with him : and that by her done, was to none other intent but to bring all the Lords in obloquie, and murmure of the people, as though they were not to be trusted with the Kings Brother, who by assent of the Nobles of the land, were appointed as the Kings neerest friends, to the tuition of his owne royll person."

These points the Protector proceeded to elaborate at length, outwitting the council by his exuberant professions of goodwill and affection for "the yong Duke himselfe, the Kinges most honourable brother, and, after my Soveraigne himselfe, my most dear nephew."

"When the Protector had said, all the Councell affirmed, that the motion was good and reasonable, and to the King and the Duke his Brother honourable, and the thing that should cease great murmure in the Realme, if the mother might be by good meanes induced to deliuier him. Which thing the Archbishop of

Yorke, whom they all agreed also to be thereto most conuenient, tooke vpon him to moue her, and therein to doe his vttermost endeaour: howbeit, if she could by no meanes be entreated with her good will to deliuer him, then thoughte he, and such other of the Clergie then present, that it were not in any wise to be attempted, to take him out against her will. For it would be a thing that should turne to the great grudge of all men, and high displeasure of God, if the priuiledge of that holy place should now bee broken, which had so many yeaeres beene kept, which both Kings and Popes so good had granted, so many had confirmed, and which holy ground was more then fiue hundred yeaeres agoe by S<sup>t</sup>. Peter in his owne person, in spirit accompanied with great multitude of Angels, by night specially hallowed and dedicated to God, (for the prooфе whereof, they haue yet in the Abbey, Saint Peters Cope to shew) that from that time hitherward, was there neuer so vndeuant a King, that durst violate that sacred place, or so holy a Bishop, that durst presume to consecrate it: and therefore (quoth the Arch-bishop of Yorke) God forbid that any man should for any thing earthly, enterprize to breake the immunitie and liberty of that sacred Sanctuarie, that hath beene the safeguard of many a good mans life: and I trust (quoth hee) with Gods grace we shall not need it. But for what need soeuer, I would not we should doe

it : I trust that she shall be with reason contented, and all things in good manner obtained ; but if it happen that I bring it not so to passe, yet shall I toward it with my best, and you shall all well perceiue, that there shall be of my indeauour no lacke, if the Mothers dread, and womanish feare be not the let."

Taking up his words, the Duke of Buckingham rejoined : "Womanish feare, nay womanish fowardnesse, for I dare take it upon my soule, she well knoweth there is no need of any feare, either for her sonne or for herselfe." He expressed the most absolute confidence that there was no evil intended towards the young prince, and gave at length his opinion of sanctuaries, their use, and their abuse. In outspoken terms he condemned the service to which the two London sanctuaries of Westminster and St. Martin's le Grand were often put, "the one at the elbow of the citie, the other in the very bowels."

"A Sanctuary," he added, "serueth alwayes to defend the body of that man that standeth in danger abroad, not of great hurt onely, but also of lawfull hurt ; for against unlawfull harmes, neuer Pope nor King intended to Priuiledge any one place, for that Priuiledge hath euery place : knoweth any man any place, wherein it is lawfull for one man to doe another wrong ? that no man vnlawfully take hurt, that libertie, the King, the Law, and very nature forbiddeth in euery

place, and maketh to that regard, for euery man, euery place a Sanctuary : but where a man is by lawfull meaner in perill, there needeth he the tuition of some speciall priuiledge, which is the onely ground & cause of all Sanctuaries : from which necessitie this noble Prince is farre, whose loue to the King, nature and kindred proueth, whose innocency to all the World, his tender youth proueth, and so Sanctuary, as for him, neyther none he needeth, nor none can he haue. Men come not to Sanctuary, as they come to Baptisme, to require it by their God-fathers ; he must aske it himselfe, that must haue it ; and reason, sith no man hath cause to haue it, but whose conscience of his owne faulthe maketh him faine need to require it : what will then hath yonder Babe ? which and if he had discretion to require it, if need were, I dare say would now be right angry with them that keepe him there : and I would thinke without any scruple of conscience, without any breach of Priuiledge, to be somewhat more homely with them, that be there Sanctuary men indeed : for if one goe to Sanctuary with another mans goods why should not the King, leauing his body at libertie, satisfie the party of his goods, euen within the Sanctuary ? for neyther King nor Pope can give any place such a priuiledge, that it shall discharge a man of his debts, being able to pay. And with that diuers of the Clergy that were present, whether they said it for his pleasure, or as they thought,

agreed plainly, that by the law of God, and of the Church, the goods of a Sanctuary man, should be deliuered in payment of his debts, and stolne goods to the owner, and onely liberty reserued him, to get his liuing with the labour of his hands. Verily (quoth the Duke) I thinke you say very truth ; and what if a mans wife would take Sanctuary, because shee list to runne from her Husband ? I would weene if she could alledge none other cause, he may lawfully without any displeasure to Saint Peter, take her out of Saint Peters Church by the arme. And if no body may be taken out of Sanctuary, that saith he will bide there, then if a childe will take Sanctuary, because he feareth to goe to Schoole, his Master must let him alone. And as simple as the sample is, yet is there lesse reason in our case then in that ; for therein, though it be a childish feare ; yet is there at the leastwise some feare, and herein is there none at all. And verily, I haue often heard of Sanctuary-men, but I never heard of Sanctuary Children. And therefore, as for the Conclusion of my minde, who so may haue deserued to neede it, if they thinke it for their suretie, let them keepe it ; but he can be no Sanctuary-man that had neither wisdome to desire it, nor malice to deserue it, whose life or libertie, can by no lawfull processe stand in jeopardie : and hee that taketh one out of the Sanctuary to doe him good, I say plainly that he breaketh no Sanctuary."

The Duke succeeded in convincing almost the whole of the council that the Protector had no evil wish of any kind towards “the young Babe,” but not wishing to use any kind of force to bring him forth from sanctuary, commissioned the Cardinal Archbishop of Canterbury to do his utmost to secure the boy with the queen’s good will. The arguments between the archbishop and the queen are given at great length by Sir Thomas More, who drew no doubt to some extent on his imagination in setting them forth, but at last the queen allowed herself to be convinced of his uncle’s pacific intention towards the child, but not without much misgiving.

. . . . “and therewith all she said unto the Childe was, Farewell mine own sweet son, God send you good keeping : let me kisse you yet once, ere you goe ; for God knoweth when wee shall kisse together againe. And therewithal she kissed him, and blessed him, turned her back and wept, and went her way, leauing the child weeping as fast. When the Lord Cardinall, and those other Lords with him, had receiued the young Duke, they brought him into the Star Chamber, where the Protector took him in his armes, and kissed him, with these words : Now welcome my Lord, euen with all my heart. Thereupon forth-with they brought him vnto the King his brother, into the Bishops Pallace at *Pauls* ; and from thence both of them through the Citie of *London*, honourably attended into

the Tower, out of which after that day they neuer came againe."

The poor queen's fears were only too speedily realised. She was still in the sanctuary when the news of the murder in the Tower of the two boy Princes reached her, and it was ten months before she and her daughters dared to withdraw from the shelter of Westminster.

Dean Stanley reminds us that at this very time another scion of a princely house was in the monastery, also hiding from the terror of the "Boar." Owen Tudor, uncle of Henry VII., had himself been sheltered here in the earlier days of the dynasty of York, and was at that time serving as a monk ; he was buried at the last in the chapel of St. Blaise.

The oath taken by a fugitive to Westminster is given in a fifteenth century MS. of the abbey.<sup>1</sup> He was called upon to swear truthfully why he came, to promise to behave properly and faithfully whilst there, to submit to all corrections and judgements of the president, to observe all contracts which he might make whilst in sanctuary, if a debtor to satisfy his creditors at the earliest opportunity, not to sell victuals in sanctuary without special leave of the archdeacon, not to carry any defensive weapons, not to leave sanctuary without permission, not to defame in any way his fellow fugitives, and finally not

<sup>1</sup> *Niger Quaternus*, p. 139 ; cited in Vict. Hist. of London, i. 444-5.

to do or permit any violence within the precincts.

Among the miscellaneous papers of the Westminster Abbey muniments are several relative to the sanctuary privileges. These include copies of pleadings in 1442, in a case wherein the abbot of Westminster and others are charged with assault and imprisonment by a prior of Kent, in which privilege of sanctuary is pleaded ; an original letter from Edward IV., dated 17th May, 1474, to the archdeacon of Westminster, wherein he states that he has heard of great resort to the sanctuary of Westminster, and of great crimes and abominable vices committed there, he is to do his uttermost to restrain and punish them ; and the punishment by Middlesex jurors in 1510 of crimes committed by one George Wolmer, alias Sawyer, of Lingfield, Surrey, of his abjuration of the kingdom, of his imprisonment by the abbot of Westminster, and of his escape from prison.<sup>1</sup>

One of the last fugitives to Westminster of any eminence was John Skelton, the laureate poet of dissolute life and the writer of dissolute rhymes, though a priest and holding for a time the Norfolk rectory of Diss. Towards the end of his life, after being a consummate flatterer of Cardinal Wolsey, Skelton took an extreme dislike to his former patron, and satirised him with much bitterness in print as well as in manuscript.

<sup>1</sup> *Reports of Hist. MSS. Commission*, iv., appendix, 191.

To escape the cardinal's officers sent out to arrest him, Skelton took refuge in Westminster, where he is said to have been well received by Abbot Islip. He dared not again issue forth, and he died in the shelter of the sanctuary on 21st June, 1529, only a few months before the fall of the cardinal.

A paper of much value as to this sanctuary shortly before its suppression, of the year 1532, is among the Domestic State Papers of the Public Record Office. It supplies

"The names of all such persons as have taken the privilege and sanctuary of Holy St. Peter, of Westminster, for divers trespass and offences which now be there remaining and continuing still, the 25 day of June in the 24 year of our most gracious sovereign lord King Henry the VIIIth."

The following remarkable list shows that there were then fifty fugitives, including one woman, under the protection of the abbey, as life prisoners, one of whom had been there for twenty years. Sixteen were there for felonies, probably all robberies; eleven for murder or homicide; eighteen for debt; and two for sacrilege. We believe that this list has not hitherto been printed.

In primis John Gonnes for the dethe of A mane in Westm' all  
moste xx yeres paste.

Willm Stafferton marchaunte for dett of longe continuance.  
Thomas Barkysdale Clothyer for dett to diverse p'sons.

Richarde Lynne Coriere for dett. A poore man.  
Thomas Wayte poynte makere and Alice hys wyffe for dett.  
John Cowlarde mercer for dett.  
Johane Hode upon suspicon of murdre.  
Rauffe Sampson servyngmane for felony.  
John Walett for dett. A poore mane.  
Willm Vaughan Bakere for felony.  
Richarde Lute Draper for dett.  
John Parkyne Vintnore for murdre of ii sergeants of London,  
but a true . . .  
Richard Vulstone for dett.  
Sir James Whytakere preste for murdre.  
Richarde Ade Grocere for dett.  
John Huffa Goldsmythe for felony, this mane companyth  
w<sup>t</sup> many suspecte persons.  
Symon Hyde Barboare for felony, this maney sone beinge  
w<sup>t</sup> suspecte persons resortynge to hym and hys house.  
Thomas Forde waterman for suspicion of felony.  
Gyles Sowley Fyshmongere for dett.  
John Albone Goldsmythe for suspicion of felony.  
John ap Morgane Walshmane for y<sup>e</sup> deth of a mane in  
Wales wher he was . . .  
John Myles gentylmane for dette.  
John Andrew taylor for dett and recevinge and lodgyng of  
suspecte persones.  
John Newington mercere for dett.  
Stevne Hornere mercere for dett. A poore mane.  
Morgane Albrey Walshmane for murdre.  
Edward Brynnynhame for felony.  
X'pofer Atkryke cappere for dett and suspicion upon a  
murdre.  
Rowlande Hyde cappere for murdre. A poore mane.  
Philippe Costrowe alias Crownslawe Iryshmane for felony.  
John Lovell for felony of Robbynge of churches and other.  
Petere Fenton for felony.  
Rogere Poley for felony.  
Morgane Foulke Flescher A yonge mane for murdre.  
Marmaduke . . . for felony.  
. . . Fartlawe for felony.

Willm Calverley for robberye comytted upon the sea.  
 John ap Howell for felony. A poore mane for stellynge of  
 herrings.  
 Willm Saule taylor for dett.  
 Olyvere Kelly for murdre.  
 Thomas Hynde for murdre.  
 Richarde Gowre taylor for felony. A poore mane.  
 Degere Chonterell prentyce for conveynge of certayne of  
 hys m<sup>r</sup> goodes.  
 Symonde grene Colyere for felony.  
 . . . Holte servyngman for dett.  
 John Busyne Bochere for dett.  
 Willm Symson for Robbynge and spoylynge of diverse  
 churches and other persons.  
 Roberte Hyll servyngmane for murdre.  
 Thomas Jenyns Bocher for dett.

With the dissolution of the great monastery, the sanctuary rights were also dissolved. Under Queen Mary, they were for a time re-established. John Feckenham was installed as abbot, with thirteen monks, after the old use, on St. Clement's eve in November, 1555, and a few days afterwards, namely, on 6th December, Abbot Feckenham and his convent made their procession. Machyn, in his *Diary*, describes the scene, with realistic pen :—

“ Before him went all the Sanctuary men with crosse keys upon their garments, and after whent iij for murder ; on was the Lord Dacre’s son of the North, was wypyd with a shett about him for kylling of on Master West squyre dwellyng besyd . . . and another theyff that did long to one of Master Controller and dyd kyll Richard Eggylston, the Controller’s tayller, and kylled

him in the Long Acres, the bak-syd Charyng Crosse ; and a boy that kyld a byge boye that sold papers and prynited bokes with the horling of a stone, and yt hym under the ere in Westmynster Hall : the boy was one of the chylderyn that was at the sckoll then in the Abbey : the boy is a hossear sune aboyff London-stone.”

The following references to the restored sanctuary rights occur in the Acts of the Privy Council during Mary's reign :—

ELTHAM, 16 Aug., 1556.

“ A letter to the Deane of Westminstre to staie John Bennet and John Williamson in safe warde, so as they be fourthe comyng whenne they shalbe called for, whiche Bennet and Williamson have broken prison and nowe taken Sanctuarye in Westmynstre.”

ST. JAMES, 26 Oct., 1556.

“ A letter to therle of Sussex, signifieing that ordre is given unto Mr. Sollicitour texamyn the two prisoners feldd out of Burye Gaole into the Sanctuarie of Westminstre, and if any matter woorthy knowleage shall fall out his Lordship shalbe certified thereof ; his Lordship is eftsones desired to give ordre for the transportacion of the malte to Guysnes ; it is also written unto him that the Deputye and Counsaill of Callaice are eftsones written unto to make search for oone Bottes.”

RICHMOND, 22 July, 1557.

“ A letter to the Abbot of Westminster, to cause oon Edward Vaughan, presently broken out of the

Tower and remaneng in the Sanctuare, to be committed to a safe and severall place, so as none have conference with him, and to procede to his furder examinacion upon suche notes and artycles as shall be brought unto him from Sir Edwarde Warner and others, perswading him withall to be plaine and open in such things he shall be examined of, whereunto the rather to induce hym, he may declare for suche matters as he playnely confesseth the Sanctuary shalbe avayleable unto him, but if he leave any thing undeclared that may afterwardes be tryed against hym, the Sanctuare shall then serve hym nether for the same nor for any of the rest."

RICHMOND, 28 July, 1557.

"A lettred to the Abbot of Westminster to give ordre that Edmond (*sic*) Vaughan, presently remayning in the Sanctuare, who standeth to be charged with diverse felonies and will hitherto confess but oone of them, be delivered over unto the Constable of the Tower to be there further examined of the saide felonie, signifieng unto the said Abbot that the same Vaughan after his examinacion so taken shall be restored againe to the Sanctuare, if it shalbe his right so to be, requiring him neverthelesse to kepe the matter secrete to himself, so as neither the parties maye know thereof ne any other that might bring it to his knowleage.

"A lettred to the Constable of the Towre to receyve the saide Edwarde Vaughan at the Lord Abbotes handes for the purpose aforesaide."

RICHMOND, 6 Aug., 1557.

"A lettred to thabbot of Westminster that where oone John Poole is detected to have byn one of those

that committed the late robberies in London, he is willed, in case he shall come to the Sanctuarie, to committ him to close prison, and to proceede to examinacion of him in suche sorte as he hathe doon with the reste."

ST. JAMES, 12 Dec., 1557.

"A lettre to the Abbot of Westminstre to send hither with all spedē a booke of the names of all suche personnes, bothe men and women, as presently remayne in the Sanctuare, together with a note of the severall causes for whiche they booke (*sic*) the same."

ST. JAMES, 15 Dec., 1557.

"Lettres to Sir Giles Alington, knighte, to receyve into his custodie the goodes of John Chapman, remayning in the Sanctuarie, at thandes of Sir Robert Tyrwitte and Sir John Cotton, knightes, and to see the said Chapman's goodes and catalles furthe comyng and aunswerable to the Quenes Majesties use.

"Lettres also to the said Robert Tyrwitt and Sir John Cotton, knightes, for that purpose to deliver him the same."

RICHMOND, 31 July, 1557.

"A lettre to thabbot of Westminster to cause oone Jeffry Reyman, which is fled into Sanctuary with the clothes of one Thomas Bradley, to be stayed, and the clothes redelyvered to the sayd Bradley, or the value thereof."

The legislation with regard to sanctuaries under Elizabeth, and the change in their condition, is briefly discussed in the final chapter. Within about a month of her accession (17th

November) the following entry occurs in the Privy Council Acts; but it is the only case before this council during her long reign, and merely relates to a matter previously discussed.

WESTMINSTER, 29 Dec., 1558.

"A letter to thabbote of Westminster to delyver nyne clothes to oone Thomas Bradley, clothyer, owner of the same, which were brought into the Sanctuary by one Geoffrye Rayneman, taking first bondes of him to be answerable to all suche as shall make clayme by order of the lawes to the sayde clothes."

Among the Westminster Abbey documents is a copy of a decree, of 1569, in the court of Star Chamber, of one Whittaker claiming sanctuary at Westminster to avoid payment of legacies. The council pronounced against the privilege of sanctuary including debt.

The State Papers of the Record Office include an undated petition of about this period, addressed to Cecil by one Stephen Barrow, citizen of London, desiring privilege of sanctuary at Westminster, as he was at present unable to satisfy his creditors.<sup>1</sup>

The subsequent gross scandals attached to illicit sanctuary at Westminster, after all trace of religious control or discipline had been suppressed, do not come within the purpose of this book.

<sup>1</sup> *Dom. State Papers, Elizabeth*, vol. xxxviii. 65.

## CHAPTER IV

### THE SANCTUARY OF ST. MARTIN LE GRAND

The Collegiate Church founded in 1056—Wide privileges granted by the Conqueror—Irregularity of the canons reflected in the conduct of the sanctuary men—The grave charges of 1403—The results of Kneve's thefts forfeited to the Dean—Conflict between Dean Bourchier and the Mayor of London, 1430—Grave dispute with the Mayor and Corporation in 1440—Important pleadings of Dean Cawdray and the Corporation—William Cayme, an associate of Jack Cade, and Sir William Oldhall, ex-Speaker of the House of Commons, in sanctuary—Lawlessness in 1454–5 redressed by ordinances of 1456–7—Statutes of 1463 and 1477 against debased jewelry, exempting St. Martin's—Bishop of Ely in sanctuary, 1471—Michael Forrest, one of the murderers of the two young princes, died here—Henry VII.'s violation of this sanctuary—United to Westminster Abbey—The College confiscated to the crown in 1548—Subsequent abuses of the site—Granted to the Post Office in 1815.

INGELRIC, a priest who held some official position under Edward the Confessor, in conjunction with his brother Girard, built a church within the city of London in the year 1056, dedicated to St. Martin, and founded it as a college of secular canons. Of this college Ingelric became the first dean. William the Conqueror, in 1068, confirmed the canons in their lands and added materially to their benefactions and rights. The Norman king evidently thought highly of Ingelric, conferring on him and his fellow canons every possible privilege, such as sac and

soc, tol and team, infangenthef, blodwyte, burgh-brice, and miskenning ; he also exempted the college from all episcopal and archidiaconal jurisdiction, as well as from services due to the crown.<sup>1</sup>

This charter of the Conqueror was held to confer right of sanctuary of a permanent character on all fugitive felons or those liable to arrest, a right which was probably first conferred upon it by its pre-Conquest founders.

However beneficial chartered sanctuaries may have been, nay undoubtedly were, in mitigating the extreme severity of the mediæval criminal code in the less populated districts like Beaulieu or Culham, or in small towns such as Beverley, Durham, or Hexham, under strict religious supervision, it certainly seems absolutely unsuitable to have such a refuge for felons and other offenders in the very centre of a closely packed and considerable population. Moreover it would only be possible to maintain order in such a place if the ecclesiastical authorities were stern and regular in exacting service and obedience from their criminal guests. But the canons of St. Martin's were, throughout their history, for the most part non-resident, and the discipline among their vicars notoriously irregular ; hence it came to pass, as an almost necessary sequel,

<sup>1</sup> Kempe's *The Church of St. Martin le Grand* (1825); Dugdale's *Monasticon*, vi. 1324. There is a good summary of the history of this college in the *Victoria History of London*, i. 555-65.

that the sanctuary men of this house were frequently lax in their lives, and at last became at times a scourge to the neighbourhood, so that Richard II. had some justification in speaking of it as “a nest of corruption.” Yet the fault chiefly lay with our sovereigns who treated the college as a free-chapel and peculiar of their own, and often used the emoluments of the deanery and prebends to find incomes for the least worthy of their clerical officials.

Complaint was made by the Commons to the King in Parliament, in 1403, that various persons of different conditions, resident both in the city of London and in its suburbs, as well as from other parts of the kingdom, came from day to day, in the absence of their masters or employers, to the college of St. Martin le Grand with certain of their masters goods in their possession, as fugitives; and that such stolen goods were not subject to pressure or execution from the secular law, and that these very goods were sometimes seized by the servants of the college, and taken as forfeit to the said house. Further charges were made to the effect that debtors and merchants were in the habit of flying to this sanctuary, in order to live there unmolested, upon the substance that they carried with them in their flight. Some of the fugitives forged and sealed instruments in the name of third parties, to their great distress and confusion. Others engaged outside persons to

purchase goods to be bought for cash at the sanctuary ; but when brought there, the vendors could neither get payment nor have their goods back. From time to time, there were also received into the said college, “ murderers, traitors, robbers, money clippers, and other felons, malefactors and rioters,” who made disturbance by day and issued forth by night to commit outrages, after which they betake themselves again to the college. Such offenders had hitherto escaped the operations of law owing to the privileges of the college, and the petitioners prayed for redress. The king promised that these charges, probably couched in exaggerated terms, should be investigated, but no vigorous steps were taken.<sup>1</sup>

In 1416, when John Stone was dean, one Henry Kneve, who had stolen a signet ring, a pyx for the reserved Sacrament, certain coins and other valuable articles, took sanctuary at St. Martin’s, and deposited the results of his thefts with a dweller in the precincts. Subsequently this delinquent fled from the sanctuary, and the dean’s officials seized on the property as a waif within the franchise of the church.

In 1430, Thomas Bourchier,<sup>2</sup> dean of St. Martin’s, petitioned the king for redress against William Estfield, mayor of London, and Thomas

<sup>1</sup> *Parliamentary Rolls*, vol. iii. 503-4.

<sup>2</sup> Archbishop of Canterbury, 1454-1486. Dean Hook in his *Archbishops of Canterbury* blunders badly in making Bourchier dean of St. Martin’s in the far graver dispute of 1440.

Large and William Chertsey, sheriffs. They had by force withdrawn from St. Martin's sanctuary one Henry Ciprian, a canon of Waltham, and committed him to prison. Henry VI. promptly intervened and compelled the city officials to restore the abducted fugitive.

On 1st September, 1440, a soldier prisoner was being conducted from Newgate to the Guildhall, and when passing the south gate of St. Martin's sanctuary, five of his fellow soldiers came out of Panyer Alley, took him from the officer by violence, and rushed him into the sanctuary. The sheriffs in their indignation proceeded at once with the alderman of the ward and the city chamberlain and an armed posse to St. Martin's and demanded the release to them of the prisoner and his rescuers. This was refused, when the sheriffs boldly caused all six to be seized and committed them to safe keeping. According to the complaint made immediately by the canons to their dean, this outrage on sanctuary was done with great violence and with drawn daggers, in the presence of a mob of hundreds of people, the prisoners were stripped to their linen clothes and led to Newgate "all naked, two together, cheyned by the necke, and manacled as traitours."

Richard Cawdry, the dean of St. Martin's, was at Cambridge, when the canons' letter reached him, and instantly returned to assert the liberties of the college. In the first place he applied to

the sheriffs for the restitution of the offenders, and on their refusal lodged formal complaint with the mayor and aldermen, who appointed him a hearing in five days. Rejecting this delay, the dean proceeded to Windsor and made complaint to Henry VI. On 11th September, the king sent letters under privy seal by Lord Huntingdon commanding the instant restoration of the prisoners. The corporation persisted in delaying the matter as long as they dared, and eventually the whole matter was argued in the Star Chamber, before the Lord Treasurer, the Chancellor, and the Archbishop of Canterbury.

The sheriffs affirmed that if St. Martin's was really endowed with any chartered sanctuary privilege, it would only be under circumstances in which the life or limb of the subject were in jeopardy, and that the church and its precincts had formed “beyond tyme of mynde, parcel of the citie of London.” They also said that the soldier, a prisoner in Newgate, had been rescued by a carefully laid plot of his companions, one of whom summoned him on a pretended action of debt before the sheriffs at the Guildhall, so that he might be led past St. Martin's gate. The sheriffs, as they alleged, had entered St. Martin's and withdrawn the offenders without violence, one as their prisoner, and the others as trespassers against the king's officer.

The dean, in his rejoinder, claimed that special sanctuary rights pertained to this site before the

Conquest, and cited the Conqueror's charter in Saxon and Latin. It had ever since enjoyed this privilege, which had been confirmed by a statute of 50 Edward III. He further stated, as a curious fact, that when the king's justices held their sittings in St. Martin's gate for the trial of prisoners for treason or felony, the accused were placed before them on the other side of the street, and carefully guarded from advancing; for if they once passed the water channel in the centre of the street, they could claim the franchise of the sanctuary of Holy Church pertaining to St. Martin's, and the proceedings against them would be void. Moreover various sheriffs of London had distinctly acknowledged that this was a legal sanctuary, for since the passing of the Act of 3 Richard II. to restrain fraudulent debtors, they had often made the five statutory proclamations before the gates of St. Martin which were necessary before the goods of a sanctuary debtor could be distrained. The last argument of the dean, in addition to the production of a variety of confirmatory royal charters, including one by King Henry VI. himself in the first year of his reign, was personal and amusingly sarcastic. He argued that the citizens of London had reason rather to support than to impugn the liberties of his church, for many worshipful members of the corporation had, for debt or other trespass, received the shelter of its privileges, and of late years to the number of three hundred or more.

The sheriffs did their best to combat the dean's arguments, and brought forward a few telling facts as to jurisdiction exercised in past days by the city with regard to certain parts of the precincts ; but their recital of cases of murderers obtaining sanctuary here in the reigns of Edward II. and Edward III. were entirely beside the mark, for all sanctuaries, chartered or otherwise, sheltered for a time or permanently those guilty of homicide throughout Christendom.

Sir John Hody, chief justice of the King's Bench, and Sir Richard Newton, chief justice of the Common Pleas, were then called in to give their opinions. They agreed that the charters produced, together with the bull of Pope Alexander, and the prescriptive use of the privileges time out of mind, established the sanctuary rights of St. Martin's ; they also alluded to the like privileges of Beverley, Westminster, and Glastonbury, all of which, they said, stood in their respective charters in general, rather than in special words.

Thereupon Henry directed his Chancellor and Treasurer to decree that the prisoners should be restored to sanctuary, and that "the lordes of his counsail and bloode, in the sterred chamber" should fine the sheriffs for disobedience to his letters and writ.<sup>1</sup>

The connection of one of Jack Cade's

<sup>1</sup> All these proceedings are set forth in full detail in B. Mus. Lansd. MSS., No. 170, which is a collection of transcripts of records of papers pertaining to the city of London, belonging to Sir Julius Cæsar. Ff. 52 to 118 relate to the sanctuary liberties of St. Martin's,

associates with the sanctuary of Westminster has already been noted. Another of the ringleaders of that uprising, William Cayme, of Sittingbourne, fled in 1450 to the sanctuary of St. Martin. As this was a case of treason, certain of the king's advisers assured him that this was a matter in which he might use his pleasure in limiting the privilege in a church under his peculiar jurisdiction. Demand was therefore made for the surrender of Cayme to the king's officers. Dean Cawdry had, however, already secured the rebel in the sanctuary prison, and on receipt of the writ of privy seal repaired to the king, produced his charters and bulls, and the king, with the advice of his council, consented to waive his claim, but recommended that the traitor should be kept close for fear of further mischief. Cayme, however, soon afterwards received the royal pardon, and became "a cherished person" with the Duke of Somerset.

About this time there arose fierce dissension between the Dukes of Somerset and York. At the former's instigation, Sir William Oldhall, Speaker of the House of Commons and Chamberlain to the Duke of York, was indicted, in 1452, for complicity in the Cade rebellion. He was found guilty, outlawed, and attainted on 22nd June, but he had meanwhile fled to the

and are thus headed : "All such liberties of St. Martin's Le Graunde in London, w<sup>ch</sup> heretofore have ben most secretly kept from knowledge of this Citie."

sanctuary of St. Martin. His surrender as a traitor was demanded, but Cawdray again resisted and carried his point with the king. Soon afterwards, however, an official of the Court, Walter Burgh, was dangerously wounded in the adjacent streets on 20th January, 1452-3, by some assassins, and Oldhall's enemies raised the report that he was the chief aggressor. A number of Somerset's party burst open the gates shortly before midnight, found Oldhall concealed in the church, and carried him off in triumph to Westminster palace. But within two days the sanctuary rights once again prevailed and Oldhall was replaced in St. Martin's. The king desired that certain of his officials should be placed in the sanctuary to watch Oldhall's movements and to prevent his escape; but the dean was successful in resisting this abridgment of his privileges. The triumph of Dean Cawdray was complete; the Earls of Salisbury, Wiltshire, and Worcester, the Barons de Lisle and de Moleyns, together with Mathew Philip, sheriff of London, and the Alderman of the ward, who all took part in the midnight violation of sanctuary, made full confession of their wicked deed, and afterwards were absolved, having made reparation to God and St. Mary, according to their ability, by certain huge tapers of wax, gold, and jewels, and other oblations; and this because they were *ipso facto* excommunicate according to several papal bulls, especially those of Alexander and Lucius.

Sir William Oldhall, meanwhile, remained strictly confined to this sanctuary until after the battle of St. Albans in May, 1455, when he obtained his release and the reversal of the outlawry on 9th July.

In 1454-5, when the flames of civil war were raging, the more lawless of the residents within the precincts of this sanctuary took occasion to come forth bent on violence and robbery. On one occasion, after they had assaulted and wounded diverse citizens, retreating within the immunity of their territory, the mayor and aldermen seem to have been justified in forcing the gates, at the head of a body of citizens, and carrying off the ringleaders. On another occasion, when there was a conflict between the citizens and foreigners, the sanctuary men issued forth and took the side of the former. Two sanctuary men were afterwards tried for having plundered Antonio Moricin and other Lombards, and were hung at Tyburn.

These disturbances resulted in the issue by the King's Council of the Star Chamber, on 5th February, 1456-7, of a series of ordinances for the better government of St. Martin's sanctuary. The main points then enacted are as follows:—(1) Every fugitive desirous of enjoying the immunities and privileges to declare before the dean or his deputy the cause of his fear in going thither, whether it be for treason or felony surmised upon him, or for other causes, the same

to be registered together with his name ; (2) to give up at his first entry all manner of weapon and armour, and never to use anything of the kind except a reasonable knife to kerve withall his meat, and the said knife to be pointlesse ; (3) every vagabond, open thief, robber, murderer or felon, of known evil repute, to find sureties for his good behaviour, to last for a quarter of a year after his departure, and to be kept in ward until security is found ; (4) all gates, posterns, and doors to be surely closed between nine at night and six in the morning from All Hallows to Candlemas, and for the rest of the year from nine at night until four in the morning ; (5) any fugitive buying stolen goods, to make full restitution to the party aggrieved ; (6) any sanctuary man roving forth by night or day to do any evil deed to be committed to ward and thereto remain so long as he is in sanctuary ; (7) subtle pickers of locks, conterfeiteres of keys, contrivers of seals, forgers of false evidences, and workers of counterfeit chains, beads, or plate falsely uttered as silver or gold, not to abide in the sanctuary ; (8) no sanctuary for strumpets and bawds ; (9) all games of hazard prohibited ; (10) all artificers dwelling within the sanctuary (as well barbers as others) to keep holy the Sundays and great festivals ; and (11) that every one on admission be sworne to obey these articles.

A statute of Edward IV., of the year 1463,

directed against fraudulent makers of debased or counterfeit goldsmith's work, made an extraordinary exception with regard to the liberties of Great St. Martin, to the following effect : “ Provided always, that this ordinance and act, nor any other ordinance or act made, or to be made in the present parliament, shall extend or in any wise be prejudicial or hurtful to Robert Styllington, clerk, dean of the free-chapel of our lord the king, of St. Martin le Grand of London, nor to his successors of the said chaple hereafter ; nor to the dean and chapter of the same chaple, as in and for all manner of privileges, liberties, franchises, rights and customs in any manner pertaining to them ; nor to any person or persons dwelling or inhabiting, or which shall hereafter inhabit and dwell within the sanctuary and precinct of the same chaple, and especially within the lane commonly called St. Martin's Lane.” Another act of the same reign with regard to goldsmiths, in 1477, repeated this exception as to St. Martin le Grand, adding to it the sanctuary precincts of St. Peter of Westminster.<sup>1</sup> The unintended result of these exemptions and their misinterpretation led to this old sanctuary site being used by fabricators of inferior and counterfeit jewellery long after the dissolution of the religious houses and all their privileges.

During the bitterest of the York and

<sup>1</sup> Stat. 3 Edw. IV., cap. 4, s. 6; 17 Edw. IV., cap. 1.

Lancaster strifes this sanctuary afforded temporary protection to various leaders or persons of birth and reputation. Elizabeth de Vere, Countess of Oxford, and sister of Richard, Earl of Warwick, was here for a time soon after her husband had joined her brother's party;<sup>1</sup> and the Bishop of Ely, with other prelates, was sheltered at St. Martin's in 1471.<sup>2</sup>

Michael Forrest, "a noted ruffian," was one of the two actual murderers of the young Princes in the Tower in 1483; on the accession of Henry VII., Sir William Tyrell, the immediate instigator of the crime, was executed, but Forrest gained sanctuary at St. Martin's, dying, according to Sir Thomas More, a most miserable death, "rotting away piecemeal."

When Sir Roger Clifford was being taken through London on his way to execution on Tower Hill, for taking up arms against Richard III., he was conducted through Newgate Street, and as the procession passed the gate of St. Martin's, he made a strenuous but vain effort to escape from custody and gain that city of refuge.

In 1495 Henry VII. acted with much daring by dragging forth from St. Martin's Sanctuary four persons accused of slanderously libelling him. James Stanley, brother of the Earl of Derby, the new dean, lacked the grit of his predecessor

<sup>1</sup> "The Countesse of Oxenford is styllie in Saynt Martins, I heer no worde of hyr."—*Paston Letters*, vol. i. p. 290.

<sup>2</sup> *Ibid.*, vol. ii. p. 52.

Cawdry. These four men, Thomas Bagnal, John Scot, John Hethe, and John Kennington, were arraigned in the Guildhall on 22nd February, 1495–6, for forging seditious libels to the slander of the king and his council. Three of them were condemned to death and were hung at Tyburn on 26th February. But Bagnal had the wit to simply plead for restoration to sanctuary ; he was reprieved till the next term, and apparently restored to St. Martin's.<sup>1</sup>

The king would scarcely have been bold enough to take this action, had he not succeeded in obtaining a bull from Innocent VIII. in 1487, confirmed by Alexander VI. in 1493, excluding every form of high treason in England from sanctuary benefit.<sup>2</sup>

Henry VII., towards the close of his reign, decided to merge the royal free-chapel of St. Martin's in the great foundation of St. Peter's, Westminster. James Stanley, the last dean, was preferred to the bishopric of Ely in 1506 ; he died in 1515. After the latter date the abbots of Westminster assumed the office of dean of St. Martin's, and its independent history ceased.

In the year 1548, when all chantries, colleges, &c., were confiscated by Edward VI., “the venerable fabric of St. Martin’s church, being at the disposal of the Crown, was levelled to the ground, the spot which had for ages resounded by day and night with the seraphic music, and

<sup>1</sup> Stow's *Survey*, 479.

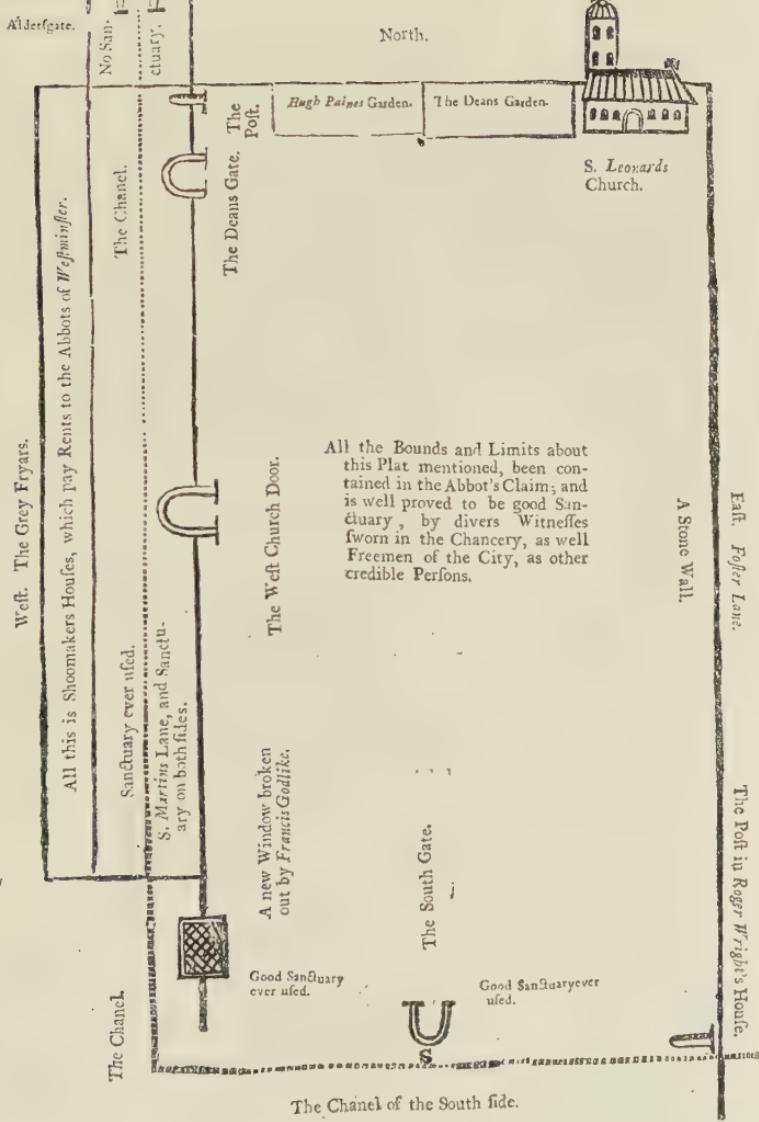
<sup>2</sup> See the last chapter.

had been distinguished by all the splendid pageantry of the Roman Church, was now occupied by a number of new buildings; on the site of the High Altar a large wine tavern was erected, and many other houses built over the whole precinct, and let at high rents to foreigners, who there, says Stow, ‘claimed the benefit of privileges granted to the canons, serving God day and night, as in the words of the Conqueror’s charter, which could hardly be wrested to artificers, buyers and sellers, otherwise than is mentioned in the 21st chapter of St. Matthew’s Gospel.’”<sup>1</sup>

We have no concern here with the extra-civic immunities tacitly granted to the dwellers within this ancient liberty in Elizabethan days, or to the disorders that arose from the presence of a horde of low-bred and ill-governed foreigners of mixed nationalities.

In 1815, the situation of the General Post Office in Lombard Street was found to be too confined and incapable of extension. An Act of Parliament was therefore passed for clearing the considerable area once occupied by the ancient collegiate sanctuary church and its precincts. The name of St. Martin’s le Grand has, after a century of use, become imperishably associated with the beneficent workings of our great and ever-growing Postal System.

<sup>1</sup> Kempe’s *St. Martin’s*, 164–5.



PLAN OF ST. MARTINS-LE-GRAND, 1598.

(Stow's *Survey of London*, vol. i., Book iii. p. 110.)



## CHAPTER V

### THE SANCTUARY OF DURHAM

Death of St. Cuthbert, and burial at Lindisfarne—Sanctity attached to his body—The monks, driven forth by the Danes, at length find a resting-place at Chester le Street—Claim of sanctuary—The see and St. Cuthbert's body moved to Durham in tenth century—Reginald of Durham's Life and Miracles of St. Cuthbert—The hunted stag of 1165—Violation of the sanctuary, and murder of Bishop Walcher—Analysis of the registers of sanctuary seekers—Extract from *The Rites of Durham*—“Sanctuary knockers.”

THE story of the sanctuary of Durham centres round St. Cuthbert, the ascetic Bishop of Lindisfarne, the details of whose life, both genuine and legendary, are so singularly picturesque. Bede tells us that St. Cuthbert, shortly before his death in 687, desired to be buried in the oratory of his cell on Farne Island. But the monks of Lindisfarne besought him that his body might be interred in their church. To this he replied—

“I think it better for you that I should repose here, on account of the fugitives and criminals who may flee to my corpse for refuge; and when they have thus obtained an asylum, inasmuch as I have enjoyed the fame, humble though I am, of being a servant of Christ, you may think it necessary to intercede for such before the secular rulers, and so you may have trouble on my account.” The monks made

rejoinder that such labour would be agreeable and easy; and at last the dying saint yielded to their request to bury his body in the inmost parts of the church of Lindisfarne, "that you may be able to visit my tomb yourselves, and to control the visits of all other persons." He also asked them if ever they were compelled to leave Lindisfarne that they would carry his body with them whithersoever they went.<sup>1</sup>

When Lindisfarne was ravaged by a pagan invasion, Bishop Eardulf and the monks took St. Cuthbert's coffin with them in their flight. For seven years they wandered in Cumberland, Galloway, and divers parts of Northumbria, ever bearing their precious burden with them, and at each place of sojourn erecting a church or chapel dedicated in his honour. At length in 883 Guthred, the Christian king of the Danes, gave Eardulf as his see town Chester le Street, a few miles to the north of Durham. According to a statement of Simeon of Durham, St. Cuthbert appeared in a vision and directed that Guthred should be chosen as king of Northumbria, and that after he became king he was to grant to the saint all the land between the Tyne and the Wear, and also to sanction that any one flying to him (*i.e.* to his shrine), whether for homicide or any other necessity, was to have peace for thirty-seven days and nights.<sup>2</sup>

<sup>1</sup> Bede's *Vita S. Cuthberti*, cap. xxxviii.

<sup>2</sup> *Historia de Sancto Cuthberto*, cap. xiii.

The body remained at Chester for about a century, when Bishop Ealdhun, fearing another Danish inroad, carried the shrine to Ripon. After a few months, the bishop left Ripon intending to return to Chester, but he missed the direct road, and in accordance, as was supposed, with the saint's guidance, the body was first deposited in a chapel or shelter formed of branches of trees, soon afterwards transferred to a church of timber, and at last, on 4th September, 998, was removed into Bishop Ealdhun's stone-built church. When William the Conqueror was ravaging the north in 1069, the Durham monks fled with the body, for safety, once again to Lindisfarne. But they returned the next year, and in 1104 the body was translated to the noble new church erected by Bishop William of St. Carileph.

The fullest ancient account of St. Cuthbert was written by one Reginald, a monk of Durham, who made a wonderful collection of the legends pertaining to the great saint. He wrote in the twelfth century during the reign of Stephen. His *Libellus de Admirandis Beati Cuthberti Virtutibus* is of great value on account of the spirited records of scenes and incidents of his own day, and is written, for the most part, in a singularly fluent style, and with much elaboration of descriptive details. This manuscript, in the possession of the dean and chapter of Durham, was the first volume printed

by the eminent Surtees Society in the year 1835. It is set forth in the original Latin, with a brief English abstract of most of the chapters. Two or three of the one hundred and forty-one chapters pertain to the subject of sanctuary. Chapter sixty tells how a youth in the service of the bishop of Durham was slain. The person accused of killing him fled for refuge to the cathedral church claiming its protection. Thereupon the friends and associates of the dead man surrounded all the exits from the church and monastery by day and night with an armed guard. Whilst the monks were at supper, six of them entered the church, and two of them made their way to the actual shrine of St. Cuthbert, where they found the accused youth in earnest prayer. They inflicted on him eleven deadly wounds ; a great multitude of people assembled, indignant at this outrage done at the very shrine of the great saint, and at the defilement of their church. The bishop on the morrow reconciled the church with due rites ; he absolved the wounded man, who contrary to all hope recovered after a miraculous fashion. The next chapter proceeds to show how acts of sacrilege against such a sanctuary as this, could not possibly prosper, and describes how one of the two men who had violated the immunity of the church in this terrible fashion, was caught in a village three miles from Durham, where his horse refused to carry him further in spite of

whip and spurs ; he was heavily ironed, thrust into a subterranean prison, there to await a terrible death.

Chapters sixty-four and sixty-five supply a vivid picture of the state of society in the wilder parts of England during the disturbed and very lax times of the rule of Stephen. The feast of St. Cuthbert, which lasted throughout the octave, was being celebrated in the forest of Arden on the boundaries of Nottinghamshire where the village church was dedicated to that northern saint. It was a year of pestilence and famine, but the parish priest determined to celebrate the festival by sacrificing all that he possessed to make a feast for all comers, to feed the poor, to relieve the needy, to clothe the naked, to comfort the miserable, and to entertain, at his own table, the better class of folk, both clerks and laymen. Robbers were at this time numerous, gathering strength from the lenity of King Stephen, whose character for mildness, patience, mercy, and good nature is described by this contemporary writer at considerable length. The whole population of the surrounding twenty miles had assembled at the priest's house. But a great band of robbers, who had been killing, stealing and burning, plundering the poor and driving off their cattle and sheep, came to the village with their spoils. Alarmed at their approach, many of the inhabitants hid themselves in woods and caves, whilst others took refuge in the church and churchyard

of St. Cuthbert, together with their goods and stock. The bandits, irritated at the barrenness of the vicinity, did not hesitate to violate the sanctuary, cleared off all the live stock in the churchyard, and, in spite of the remonstrances of the priest, broke open the doors of the church and seized all the valuables they could find. They then withdrew with their booty to a plot of ground in the neighbourhood surrounded by water. Here they killed and roasted some of the stock they had seized, ate, drank and danced, and in the end fell asleep, having set a watch round the margin of the island. In addition to archers and armour-bearers, this gang of bandits mustered eighty fully armed men. The priest, full of confidence in the aid of St. Cuthbert, whose local church had been so shockingly violated, and hearing of the sleepy condition of the malefactors, resolved on an attack, although he was only able to gather round him fourteen of his servants and villagers. A curious stratagem was adopted. Finding the robbers in a drunken sleep, the little band of invaders set to work to produce all the loudest and strangest noises they could contrive. Some set to work to mend or rather pretend to mend carts, some sharpening blunted ploughshares, some cutting stakes, and others, as it were, raising bundles of stakes on their shoulders. These noises they varied by uttering the loudest yells and the most piercing of shrieks. Meanwhile the stolen animals crowded together on the

island were the first to take alarm ; the horses neighed with all their might ; the sheep broke loose with wild bleatings ; the oxen lowed and charged the robbers with their horns ; the swine grunted and ran amongst the drunken sleepers, until at last the robbers, losing their wits amidst this confused din and uproar, proceeded viciously to attack one another, whilst others leaped into the fires, and some endeavoured to escape by swimming. The result was that within an hour not a single robber remained, but they left behind them a great store of arms, horses, money, and garments, whilst the woodland paths glittered with articles of value and with brightly emblazoned shields, which they had flung aside in the course of their flight. Much of this spoil was restored to those owners who were able to identify their property. All the rest was gathered together in the cemetery round the church of St. Cuthbert, and its value utilised towards making satisfaction for the indignity done to this house of worship, dedicated to the Northumbrian saint.

Chapter one hundred and twenty-nine tells the story of an indignity done to another of the seventy ancient churches dedicated to St. Cuthbert. This was the church of Plumbländ, a village in Cumberland not far from Cocker-mouth. William, King of Scotland, was at that time laying waste the whole of the country round Carlisle with fire and sword. The people, in order to secure, if possible, safety for their lives

and substance, lodged themselves and their goods in the churches and churchyards, building in the latter huts covered with straw. The parishioners of Plumblond, like their neighbours, flocked to their church and churchyard, lodging in the former the more valuable of their goods, such as gold and silver and the best of their garments. Within this church, one Cospatric, the son of Ulf, a knight of great wealth, deposited a chest containing much money, well secured by locks, placing it, so to speak, in the special custody of the Blessed Cuthbert; but at nightfall, a cunning thief entered the church by means of a false key, picked the locks of the chest, and abstracted a bag of money, which he hid under a heap of straw in an unoccupied hut. But before concealing this booty, he took out of the bag a coin of Scottish issue, which he afterwards offered to the mistress of an ale-house. The woman refused to take the coinage of a king at war with England, and a servant of Cospatric, who happened to be present, recognised the piece of money as one that he had seen in the hands of his master. At first the thief denied this with many oaths, but at last he confessed all, and eventually, at the solicitation of the rector of the church, was pardoned.

An incident of a very different character is recorded in Reginald's eighty-sixth and two following chapters. On more than one occasion in modern days a hunted stag has sought sanctuary in the porch of a church, and even within

a church itself. A few years ago Mr. Thomas Blinks painted a clever picture descriptive of such an incident in connection with the Devon and Somerset Stag-hounds. Monk Reginald describes a scene of this character which took place in the year 1165, giving various picturesque and curious details. Robert Fitz Philip, a knight of the Lothian district of Scotland, was hunting on the 4th September, the day of the festival of the translation of the relics of St. Cuthbert, at a time of the year when the deer were fat and easily taken. On this occasion a stag of wonderful size and with splendid antlers, alarmed by the sounding of the horns of the huntsmen and the baying of the hounds, after a prolonged run was on the very eve of capture, when it suddenly came in sight, in the midst of the woods, of a church dedicated to the Blessed Cuthbert. The hunted stag had just sufficient strength to leap over the churchyard hedge. The hounds in full pursuit in an instant checked themselves, unable as it were to take a single step within an area consecrated to the peace of St. Cuthbert. The stag quietly passed through the cemetery, as though well aware that it was in a place of absolute immunity, and lay down within the shelter of the church's porch. The most excited of the huntsmen, noticing that the very hounds refused to enter the churchyard, felt bound to imitate their example, and the knight himself, leaping from his horse, forbade any one to disturb the

stag in sanctuary. A great multitude assembled in honour of the festival ; some began to dance and leap and to put the stone and engage in various sports, whilst others were spectators of the games. But with a few, the exhausted stag, reposing within the porch, was the sole object of attraction. At last a mischievous boy, instigated by a profane person older than himself, attacked the poor hunted animal with a stake. The stag thus roused from its resting-place, bounded into the midst of the party of dancers, gored to death the son of the person who had urged the lad to disturb it, and bounded over the fence of the churchyard. On its road to the woods, the stag was killed by its original pursuers ; but on their hearing of the death which it had just occasioned, they left it upon the spot as a homicide not to be eaten. Six months later a craftsman of a neighbouring village, whose trade it was to make combs, draughts-men, chess-men, dice, spigots and such like articles of horn, found the remains of this stag. Attempting to cut off its horns, to be used as materials in his trade, he was astounded to find that a stream of blood came from the incision he had made, and was obliged to give up the attempt, alarmed at the character of this miraculous intervention. It is added that Etheldred, the Abbot of Rievaulx, going into Lothian, visited Melrose, heard the particulars of those extraordinary stag-hunting incidents,

and recorded them in these three chapters from the lips of Robert Fitz Philip himself, who had married his niece.

The insistence of the monk Reginald on the superiority of St. Cuthbert to all other English saints is supported by remarkable evidence of the authenticity of which he had apparently no doubt. He states that a certain person of noble birth in the south of England was afflicted with leprosy, and wished to have recourse for his cure to the prayers of the greatest of his country's saints. St. Cuthbert, St. Edmund of Bury, and St. Etheldreda of Ely were generally considered to be the most illustrious, and he lighted three great candles of similar size in their honour, resolved to visit the shrine and beg the prayers of the one whose candle first burnt out. St. Cuthbert's candle was the first consumed, and the leper consequently set out for Durham and was there cured. Another like story, of the year 1172, tells how a noble Norwegian youth was suddenly afflicted with blindness, deafness, and lack of speech. His brother took him pilgrimages to the shrines of various saints, but after six years of journeyings he was no better. A holy bishop then recommended him to try English saints, saying there were none of more renown than St. Cuthbert and St. Edmund, but added a third, namely, St. Thomas of Canterbury, who had been martyred in the previous year. The young man was further advised to cast lots as to which of these shrines

he should visit. The lot fell upon Durham, and on reaching St. Cuthbert's shrine he was cured.

One of the earliest recorded instances of the violation of sanctuary occurred at Durham, in connection with a feud among the advisers and officials of Bishop Walcher in the year 1080. Rivalry arose between two members of the episcopal council, Lyulph and Leobwine, the latter of whom was a particular friend of Gilbert, the bishop's nephew. After an open quarrel at a council meeting, Lyulph was found slain. As the bishop himself was suspected of complicity in this crime, he undertook to clear himself by oath, and an assembly was called at Gateshead. Lyulph's friends, however, assembled in such force and adopted so threatening an attitude that Bishop Walcher, with a few friends, sought safety in the adjacent church. Another tumult arose, and in the conflict, the bishop and his nephew were both put to death by the adherents of Lyulph. Meanwhile Leobwine, the chief object of their vengeance, made good his escape and gained the sanctuary of the church of Durham. But no respect was paid on this occasion to the peace of St. Cuthbert. The armed mob it is true scarcely dared to kill any one by the saint's shrine; but they set fire to the church, and on Leobwine rushing forth to escape the flames, the unhappy man was impaled on the spears of his adversaries.<sup>1</sup>

<sup>1</sup> Simeon of Durham, i. 116-117; Florence of Worcester, ii. 13-15; William of Malmesbury, *De Gestis Pontificum*, 271.

The registers of the great priory church of Durham contain much information with regard to fugitives for sanctuary during the fifteenth and sixteenth centuries. The entries relating to this subject extend from 18th June, 1464, to 10th September, 1524. The words, *Peticio Immunitatis*, and occasionally the name of the fugitive are written in the margin. The number of offenders thus chronicled as seeking refuge number 332, yielding an average of between five or six a year. In all probability, however, the actual numbers were materially greater, and the priory scribes only made formal entry in cases of some particular importance, or of those wherein some doubt as to the legality of sanctuary claim might arise. In the fifth volume of the registers the entries seem to be complete ; they number fourteen for 1517, nine for 1518, and nineteen for 1519. Homicide or murder very largely predominated among the crimes or offences herein enrolled ; they numbered 195, but in a variety of cases more than one fugitive sought refuge for the single offence. Thus in 1477, William Rome and William Nicholson of the parish of "For-sate" claimed sanctuary for the manslaughter of one William Alliand. In 1496, three of the canons of the Premonstratensian abbey of Egles-stone, together with one of the abbot's servants, sought refuge on account of the death, after an interval of twelve days, of a man in an affray in the parish of Stretford. In 1505, John Apilbe

came to the cathedral church confessing that he had struck one Christopher Smythson with a stick on his head, causing his death, and there came with him Cuthbert Apilbe and two others who were present and had some share in the disturbance ; it is clear from the entry that more than one was concerned in Christopher's death, for in addition to the blow on his head, he was wounded in the middle of the leg with a pike-staff, and also shot with an arrow. On 15th June, 1518, Robert Massy, of Waverton, Cheshire, sought sanctuary on account of the death of one Thomas Mulnesse, a keeper of Huntington Park, whom he had struck on the head four years previously with a crab-stick, and with him came three other men who were his accomplices ; the keeper died within three weeks of the assault, but the record offers no explanation as to why these offenders were so long in seeking immunity. Probably this was a poaching affray, and the culprits had very likely fled to escape punishment, and on returning to their own district had found that the crime was not forgotten.

In this register the condition or occupation of the fugitives is only occasionally mentioned. In connection with cases of homicide there is a single entry each, of a knight, an under-bailiff, an apprentice, a tailor, a plumber, a carpenter, a tanner, a glover, a shoemaker, a sailor, a servant, and a baxster or baker ; two are described as merchants, three as canons, four as gentlemen,



*By Ralph Hedley, R.B.A.*

A DURHAM SANCTUARY SEEKER.



four as yeomen, four as labourers, and eight as husbandmen.

In sixteen cases the seekers of sanctuary were merely in debt, and in fear of indefinite imprisonment. The occupation of four of these debtors is mentioned ; one was a merchant, another a fletcher or arrow-maker, a horse-libber or gelder, and the fourth a sheremane or shearer.

Nine of the fugitives had committed the capital offence of cattle-stealing, and four others of horse-stealing ; one of the latter is entered as a yeoman.

Seven pleaded guilty to theft, of whom one was a chaplain, one a goldsmith, and one a yeoman.

There are also entries as to four who gained sanctuary for house-breaking, and one each for the offences of rape, being backward in his accounts, harbouring a thief, and failing to prosecute.

In the cases of manslaughter or murder, the instrument which caused the death is for the most part mentioned. In 56 cases death was occasioned by a dagger ; in 21 cases by a sword ; in 6 cases by a whynyard or short dagger, and once by a *pugio*, which appears to have been what is now termed a stiletto. Other death-dealing instruments were a baselard (3) or long dagger, a bastard-sword (1), a bill (3), a Carlisle axe (3), a forest-bill (1), a halberd (2), a lance or spear (16), a pike (13), a Scotch axe (2), a

Welsh-bill (6), a wood-axe (3), and a wood-knife (1). As to the exact meaning of the weapons *armicudium*, *dicker*, and *egelome*, each of which occur once, there is some doubt. Others were killed by such weapons as a pot-hook, an iron fork, a pitch-fork, and by various forms of clubs and staffs. One was killed by hanging, another was trodden to death, whilst five were shot with arrows. In two instances death was caused by a stone. These Durham entries occasionally enter into divers particulars, and in the cases of death, usually allege certain provocations which frequently, however, only amounted to insults. Christopher Brown, who sought refuge on Saturday, 26th July, 1477, stated that on Wednesday, during the feast of Saint Wilfrid, when at Labourn in Coverdale, he insulted one Thomas Carter who was riding and holding in front of him his little boy of three years of age; whereupon the said Thomas hastily dismounting on account of the insult, suffered his son to fall on the ground, and the horse, by an unfortunate accident, set its feet upon the child who died within two days from the wounds. Christopher, recognising that he was the indirect cause of the child's death, hastened to Durham.

The whole of these Durham entries are in Latin, with two exceptions. One of these is a letter testimonial from the prior of Durham; it is undated, but was apparently granted in 1492; it runs as follows:—

"To all Cristen peple thys present writyng  
seing or heryng, We John, Prior of the Cathedrall  
Churche of Duresme sends gretyng in our Lord  
Jesu Christe. And for somuch as it is meritory  
& medefull to testifie the trouth In avoydying  
of all such Inconvences as may falle her uppon,  
And in that it is done us to understonnd that  
diverse persons of the town of Crosby withinne  
the Counte of Carlill, that is to say, Thomas  
Atkynson, Henry Atkynson, & Cristofer At-  
kynson, er takyn & in dorance haldyn &  
for felony gretly troublytt, in especiall for the  
deth of one William Skoloke of the towne of  
Crosby withinne the same counte, We now  
certifiey of veray trouth to your understonndyngs  
That one callyd Robert Atkynson of Nethircrosby  
hath takyn Immunite & girth in our churche  
of Duresme, With all the liberteez pertenyng  
thereto, confessing & graunting the foresaid  
felony & deth of the foresaid William Skoloke  
with all the circumstance bilongyng thereto,  
Afore Dan George Cornforth sacristan of our  
sayd churche of Duresme & other honeste  
persons as it is contenyd & recordyd in our  
registre aforesaid, & for the more credens to  
be yeven herin We send unto you the copy of  
the Immunite & grith in like forme as it was  
takyn and as it is registrid with us In Wittnes  
herof to this our present writyng testimoniall  
we sette to," &c.

The other English document is the petition

of immunity from Robert Tennant, on 28th August, 1519.

"I aske gyrth for Godsake & Saint Cuthberte's for savegard of my lyf & for savegard of my body from imprisonment concernyng suche danger as I am in enenst my lord of Northumberland for declaracion of accomptes, for the whiche myn answer was to Master Palmys, Master Stable, Surviar to my said lord, Walter Wadland, Auditor, William Woune, Gentilman usher, & other moo of my lordes servanttes that was send to Ripon to examine me in the presence of Master Newman, precedent of the Chapitor of Ripon, that if it wold pleas my lordes good lordship to lett me have almaner of suche bookes of myn delyvered to me as belonged to my charge, so that I myght have them within the precinct of the privilege that I myght perfyte them & make them up there. Whiche I wold doo in as convenient hast as I wuthe possable, & that done declare accompt within the said sanctuary. And if it were founde that I were in any maner of dett to my lord upon the determinacion of my accompt, I should uther content the same, or elles fynd scuritie, or elles if I wuth fynde no scuritie I wold submitt me to my lord, to the whiche M. Survier demanded of me what tyme & space I wold desire to have for the perfytting of my bookes. And I answerd that I wuthe sett noo day but as sone as I possible myght, for the which cause I aske gyrth for

Godsake & Saynt Cuthberte's in the presence of Maister Cuthbert Conyers, Sir Thomas Dowson, & John Clerke, et multis aliis, xxvj die mensis Augusti, Anno Domini Millesimo quincentesimo decimo nono. Per me Robertum Tennant."

Some of these register entries afford information as to the customary forms and proceedings in seeking sanctuary at St. Cuthbert's shrine. The following is a translation of a record of exceptional length:—

"Memorandum, That on 13 May, 1467, one Colson, of Wolsingham, co. Durham, who had been detected in theft, and for that reason apprehended and lodged in gaol, managed at length to escape, and fled to the cathedral church of Durham on account of its immunity of rest. Whilst standing near the shrine of St. Cuthbert, he prayed that a coroner might be assigned to him. On the arrival of John Raket, coroner of the ward of Chester-le-Street, Colson made confession of his felony, and standing there took his corporal oath of abjuring the realm of England with as much dispatch as possible and of never returning. This oath he took at the shrine of St. Cuthbert before George Cornforth, sacristan of the cathedral church of Durham, Ralph Bows, knight and sheriff of co. Durham, John Raket, Robert Thrylkett, under-sheriff, Hugh Holand, Nicholas Dixson, and many others. By reason of which renunciation and oath all Colson's

accouplements [*ornamenta*] were forfeited by right to the aforesaid sacristan as pertaining to his office. Therefore Colson was ordered to take off his clothes to his shirt and to deliver them to the sacristan for his disposal; and when the sacristan had received them all, he freely gave them up and restored to the fugitive all the clothes which he had up to then been wearing. After that Colson departed from the church, and was delivered by the sheriff to the nearest constables, and so on from constables to constables, holding a white cross made of wood, as a fugitive, and was thus conducted to the nearest seaport, there to take ship and never to return."

The entry concludes with the statement that all this (*acta hec*) was done on the aforementioned day, month, and year. This seems to imply rare expedition, for within a single day Colson escaped from Durham gaol, gained the shrine of St. Cuthbert, confessed to the coroner, made the necessary oaths, complied with the usual formalities before the officials of both church and state, received the white cross of the exiled sanctuary man, and was handed over by the sheriff to the constables for immediate transmission to the coast; it is quite possible that he was even out of England and on the high seas within the twenty-four hours.

It was customary to enter the names of two or three witnesses of the initial proceedings when immunity was claimed. In general the witnesses

were Durham men, called in on the spur of the moment to hear the confession of the fugitive. Usually one or more of the witnesses were officials or servants of the great church, though never ordinary monks. Among them occur the responsible sacrist, the precentor, the chancellor, the subprior, the master of the song-school, the master of the grammar school, the chief apparitor, the prior's scribe, clerks, literates, and several merely entered as servants of the church or of the prior. Chaplains are also mentioned, and on one occasion a vicar and on another a rector. Masons occur with some frequency, under the corrupted Greek form of *latamus* or stone-cutter. These would doubtless be the men permanently engaged on the constantly needed repairs of the great and extensive fabric. In 1508 when one John Gowland sought immunity for breaking into the house of the vicar of Kilwick in Craven and stealing money and plate, one of the three witnesses of his confession was Thomas Chalmer, described as the master-mason (*magister latamorum*).

Among the general laity who served as witnesses some perhaps casually present or attracted by curiosity, and others perchance invited for the purpose were knights, esquires, gentlemen, notaries public (frequently), and those who followed the trades of apothecary (*potekar*), arrow-maker, butcher, dyer, glazier, glover, goldsmith, husbandman, plumber, shoemaker, sievemaker, smith, slaughterer, and yeoman.

Now and again, however, it is obvious that the fugitive was attended by friends or companions from his own district. Thus in a case of the year 1464, which appears to have been obviously one of justifiable homicide, William Hodgson, of Fulford, Yorkshire, who confessed to killing John Staynton, of the same place, in self-defence, brought with him a number of credible witnesses of high standing; among them were Henry Preston, life constable of Durham Castle, Thomas Foster, gentleman, and John Megre, chaplain. In 1467, the offender, in another case of manslaughter at Newcastle, brought with him a witness from Gateshead; he was also accompanied by Robert Bertram, a notary of eminence who resided in the North Bailey, Durham; these two and another witness are stated to have been specially requisitioned by the applicant. George Warcop, who sought immunity in 1509, for manslaughter near Richmond, in self-defence, was probably a scion of the family of high standing at Warcop Tower, Westmoreland; he was accompanied by Robert Warcop and Ralph Wyclif, each entered as *armiger*, and by Richard Wyclif *generosus*.

It is not a little remarkable to note that so long a period elapsed, in several of these Durham cases, between the commission of the crime and the seeking of immunity from the ordinary legal penalties. Such instances of long-deferred action probably arose either from the working of

conscience, the instigation of a confessor, or the coming to light of some unexpected testimony. William Migeley, of Horsforth, Yorkshire, in 1505, fled for sanctuary for two reasons; according to his confession he had been present at a murder committed near Halifax in 1498, and he had afterwards (date not given) stolen twelve oxen and a cow from the Abbot of Kirkstall, and had sold them in the Bishopric of Durham. Matthew Megre, on 6th November, 1506, sought sanctuary for the murder of one Robert Robinson at Carlisle with an axe in the year 1494. In the case of John Gowland, who committed burglary at Kilwick Vicarage, as already cited, in 1506, confession was not made at Durham until 1508. Henry Stake, who murdered an unknown man (*quendam extraneum*) with a pitchfork in Shoreditch, London, in 1488, allowed twenty-six years to elapse before he confessed and pleaded for immunity at St. Cuthbert's, Durham. In two other murder cases nine and eighteen years had respectively elapsed before sanctuary-seeking confessions were made.

In the large majority of cases the name of the parish, together with that of the county or diocese whence the fugitives came, are duly entered. The following list of counties, with the numbers pertaining to each, shows how widespread was the fame of the sanctuary of St. Cuthbert :—

Chester, 3  
Cumberland, 13  
Derby, 1

Durham, 13  
Essex, 1  
Lancashire, 5

Lincoln, 4	Somerset, 1
London, 1	Surrey, 1
Middlesex, 1	Warwick, 3
Northants, 1	Westmoreland, 15
Northumberland, 47	Worcester, 1
Notts, 1	Yorkshire, 109

The reasons that caused certain fugitives to avoid special sanctuaries near to their own homes or to the scene of the crime have been set forth in an earlier chapter. Several of the Yorkshire fugitives to Durham lived within a few miles of Beverley, whose privileges were greater than any other sanctuary in the kingdom, and one of them actually came from that very town.

Free access to the shrine of St. Cuthbert was regarded as a right of high value by the inhabitants of the bishopric, and was included in the charter of liberties which they obtained from Bishop Bek. Those who did not desire to become permanent sanctuary men, but who had gained the refuge of the cathedral church, could take the oath of abjuring the realm before the bishop's coroner, and were passed on by him from constable to constable till they reached the nearest port. In this there was a difference between the two great resorts of frithmen, Durham and Beverley, for the latter ecclesiastical jurisdiction had no coroner and could merely conduct those desirous of abjuring to the borders of their sanctuary district, there to find a king's coroner.<sup>1</sup>

<sup>1</sup> The question as to the palatine coroner and the royal coroner is argued at some length in Professor Lapsley's *County Palatine of Durham* (1900), pp. 253-5.

Particulars of much interest with regard to St. Cuthbert's sanctuary are set forth in a manuscript usually known as the *Rites of Durham*, which was compiled in 1593. It was printed by the Surtees Society in 1840.

"In the old tyme longe before the house of Durham was supprest, the Abey Church, and all the Church yard, and all the circuyte therof, was a Sauncuarie for all manner of men that had done or commytted any gret offence, as killing of a man in his own defence, or any prisoners had broken out of prison and fled to the said church dore, and knocking and rapping at yt to have yt opened, there was certen men that dyd lie alwaies in two chambers over the said north church dour, for the same purpose that when any such offenders dyd come, and knocke, streight waie they were letten in, at any houre of the nyght, and dyd rynne streight waie to the Galleley Bell and tould it, to th' intent any man that hard it might know that there was som man that had taken Sauncuarie, And when the Prior had intelligence therof, then he dyd send word, and commanding them that they should keape themselves within the Sauncuarie ; that is to say within the Church and church-yard ; and every one of them to have a gowne of blacke cloth maid with a cross of yeallowe cloth, called Sancte Cuthbert's cross, sett on his lefte shoulder of his arme, to th' intent that every one might se that there was such a prelige

graunted by God and Sancte Cuthbert, for every such offender to flie unto for succour and safegard of there lyves, unto to such tyme as they might obteyne their Prince's pardone, and that thei should lie within the Church or Sauncarie in a Grate, which grate ys remayninge and standing still to this daie, being maid onlie for the same purpose, standing and adjoining unto the Gallelei dore on the south syde, and they had meite, drinke, and bedding, and other necessaries of the House cost and charg for 37 daies, as was meite for such offenders, unto such tyme as the Prior and the Covent could gett them conveyed out of the dioces. This freedom was confirmed not onely by king Guthred but also by king Alured."

In the fourteenth volume of the *Transactions of the Bristol and Gloucestershire Archaeological Society* (1889-90), an illustrated paper was contributed on "Sanctuary Knockers" wherein it was claimed that on the doors of several old churches there remained bronze escutcheons, notably at Durham, usually representing the head of a lion or some monster through whose mouth hung a ring. A claim was set up that these rings were sanctuary knockers. A highly ingenious but wholly imaginary explanation of the escutcheon and ring of St. Nicholas church, Gloucester, is given: "The head of the fugitive is represented enveloped in his hood, with tongue protruding and breathless with haste, escaping

into the church from behind the animal's head!"

This article is mainly responsible for the series of mistakes and blundering assertions which



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have of recent years been put forth with regard to alleged "sanctuary knockers."

To begin with, these so-called knockers, with the possible exception of Durham, are never genuine knockers, for there is no plate of any kind on which to knock; they are merely ornamental rings, and are intended, in addition to being handsome and costly ornaments of the

chief entrance to a church, for the prosaic purpose of closing a heavy door. The name to which they are entitled is simply that of closing rings.

The most celebrated of these ancient bronze "knockers" is the singularly handsome example,



Gloucester.

of twelfth-century date, on the north door of the nave of Durham Cathedral. In this case it is possible that night fugitives may have used it to arouse the custodians, as described in the *Rites of Durham*. The bronze head measures 1 ft. 10 in. across from tip to tip of the surrounding curls. The ring is also of bronze and coeval with the head.

The singular late fourteenth-century bronze "knocker" on the door of the church of St. Nicholas, Gloucester, with the figure of a double-headed bat-like beast, is of hexagonal shape, and measures 11 in. from angle to angle.



ALL SAINTS, YORK.

The church of All Saints, Pavement, York, has a fine example of a circular bronze ring plate, though the ring itself has been renewed in iron. There is a similar one on the south door of the interesting Norman church of Adel, Yorkshire. Both of these, of late years, have had the name of "sanctuary knocker" assigned to them, but it is easy enough to show from coroners' rolls and

other records that the York church of All Saints Pavement had no particular sanctuary virtue attached to it above any other church of the city. The same is true of the reputed sanctuary knocker of St. Gregory's, Norwich, described and illustrated in a later chapter.<sup>1</sup>

It is the fashion nowadays, up and down the country, to give the title of "sanctuary knocker" to any iron or bronze closing-ring of fair size on a church door; and, in ignorance of the fact that the fugitive was in sanctuary the moment he set foot in the churchyard, the inference is generally drawn that he was safe only in laying hold of this ring.

The most amusing example of one of these "sanctuary knockers" is one of iron on the inner vestry door on the south side of the chancel of the fine church of Hartland, North Devon. The visitor is assured that the fugitive was not really safe till he clasped this ring, and to reach it he had to pass in front of the high altar! The fact is there are at least half-a-dozen equally good closing-rings still extant on North Devon church doors, notably at West Putford and Little Torrington, in the immediate neighbourhood of Hartland.

It is not intended by these remarks to intimate that no fugitive ever when hotly pursued

<sup>1</sup> On these bronze closing rings, see a good paper by Mr. Miller Christy, in vol. xxii. of *Proceedings of the Society of Antiquaries* (1909), wherein special attention is given to an Essex secular example, now in the British Museum.

clung to the central closing-rings which would usually be found on the doors of England's mediæval churches. Indeed two such cases are recorded in subsequent chapters (pp. 231, 256); but in neither case was this clinging to the door-ring of any avail. So great was the general reverence for sanctuary, that, in the enormous majority of cases, the fugitive was absolutely safe as soon as he passed the churchyard gates.

*N.B.*—There is an interesting though brief account of Durham Sanctuary rights in the Revd. Dr. Gee's essay on the *Ecclesiastical History of Durham* in the Victoria History of the county, vol. ii. p. 26. An article by Mr. R. H. Forster on *Durham and Other North Country Sanctuaries*, which appeared in the *Brit. Arch. Assoc. Journal* for 1905, and to which my attention was not directed until after this chapter was in print, may also be read with advantage.

## CHAPTER VI

### THE SANCTUARY OF BEVERLEY

The sanctuary, with its boundaries, founded by Athelstan—The Frith Stool—Remains of the boundary crosses—Alured of Beverley's history—St. John of Beverley—Athelstan's visit to Beverley—The register of sanctuary seekers, their offences and occupations—Three women fugitives—The instruments of homicide—Two entries in English—The oath of the sanctuary man—List of counties whence fugitives came—York episcopal registers—Town records as to the sanctuary men or Grithmen—Suppression of this sanctuary under Henry VIII.—Its revival under Queen Mary.

THE special sanctuary rights pertaining to Beverley and its Minster, were amongst the oldest and most important throughout the kingdom. These privileges were formally accorded by Athelstan in A.D. 937, in honour of St. John of Beverley, whose remains had been here laid to rest some two centuries before that date. In this case, as at Durham, Ripon, and elsewhere, security from pursuit or violence was afforded to all who came within a certain distance of the actual sanctuary, and penalties were imposed upon such as should violate the privilege, increasing in proportion as the distance lessened. According to the liberties of St. John of Beverley, the refuge extended from the minster for about a mile and a half in every



BEVERLEY MINSTER, N.W.



direction.<sup>1</sup> Within this considerable distance there were two boundaries, termed the outer and the second bounds, both of which were marked by crosses richly carved (*nobiliter insculptas*). The third boundary began at the entrance to the churchyard or precincts, the fourth at the door into the nave, the fifth at the quire screen, and the sixth within the actual presbytery, which included the high altar and the Frith Stool or stone chair near the altar to which was attached the greatest possible security. The then heavy penalty of eight pounds was attached to any violation of the security of sanctuary between the outer and second boundaries, whilst between the second boundary and the entrance to the churchyard the penalty was doubled. This money fine was heavily increased by gradations as the east end of the church was gained, so that the penalty for seizing a fugitive within the quire was £14*s.* But if any person broke sanctuary within the sixth enclosure, his offence was termed bootless (*botalaus*), that is, it was an offence which no payment could redeem, and hence it would appear that his life was forfeited. Three reasons were assigned for this extreme penalty ; the contempt thereby shown to the Reserved Sacrament, the reverence due to the Lord's Table, and more especially the presence of the precious body of St. John of Beverley.

<sup>1</sup> *Leuca* or league is the term used ; the Domesday use of the term is supposed to imply a mile and a half.

The stone chair or Frith Stool (*Frith* peace), according to Leland, who visited Beverley in the days of Henry VIII., used to bear the following inscription :<sup>1</sup>—

*Hæc sedes lapidea Freedstoll dicitur i.e. pacis cathedra, ad quam reus fugiendo perveniens omnimodam habet securitatem.*

No trace of this inscription now remains on the rude stone chair which is Beverley's most sacred relic, and which doubtless dates from the days of Athelstan. Possibly the original inscription was not on the chair itself, but on the adjacent wall. Round the back, however, of the seat, there are what may be the remains of curious lettering, though now quite undecipherable, and they may have been defaced in the days when the sanctuary was abolished. The chair is 34 in. high,  $34\frac{1}{2}$  in. wide, and  $22\frac{1}{4}$  in. from front to back.

As to the old sanctuary crosses, the following statement appeared in Poulson's *History of Beverley* (1829):—

“Connected with the ‘Fridstol’ are the boundary stones which marked the leuga or circuit of the sanctuary. There were four of these crosses originally standing ; three only are now left ; one in a field adjoining the road to York, about a mile and a quarter from the church of St. John, nearly adjoining to Kinwalgraves ; another

<sup>1</sup> This inscription is also given by Camden, and in the glossaries of Du Cange and Spelman.

about the same distance from Beverley on the Walkington road ; and the third in the hedge-



THE FRITH STOOL, BEVERLEY.

row of the road leading to Hessle. The fourth stone was situated in the valley a little beyond the hamlet of Molescroft. The first cross was

standing in the reign of Queen Elizabeth, and is referred to in the exemplification of the boundaries of the liberties of the town. The top of the cross, with the transverse stone, is destroyed; what remains is fixed in a basement stone 3 feet square and 25 inches thick, 7 inches of the top edge being cut away. The upright stone is now only 5 feet high, and has a grooved line running down each of its edges. It bears an inscription engraved in square text, which is almost effaced by the storms which have beaten on it from the north. In 1773, Mr. Topham of Hatfield deciphered this inscription. He states it to be *Orate pro anima Magistri Willielmi de Walthon*, and supposed it had been erected about the year 1400."

The stumps of the crosses on the Walkington and Coltingham roads still remain. There are also about five feet of the cross that used to bear the inscription to William of Walthon; he was canon and archdeacon, and died in 1410; he left £200 for the east window of the minster.

There is fortunately much on record in connection with the liberties of the great church of St. John of Beverley in two manuscripts which are preserved at the British Museum. The first of these<sup>1</sup> is a record of the various liberties of the church, with its apostolic and episcopal privileges, which was translated from English (Saxon)

<sup>1</sup> Harl. MS. 560; printed in 1837 as the 5th vol. of the Surtees Society. Cott. MS. Otho, c. xvi., is an older version, but is much damaged by fire.

into Latin by Master Alured, the sacrist, who flourished in the days of Stephen, about the middle of the twelfth century. The learned Alured, a native of Beverley, is of some fame as an early historian of England, but his chronicle is in the main an epitome of the then recently written work of Geoffrey of Monmouth.

A brief preface to his Beverley manuscript describes Alured as a man of venerated life, a diligent student of their old muniments, and a careful transcriber with his own pen of what he had heard from his predecessors or had himself witnessed. He deals, in the first instance, with the antiquity of the church. There seems no sufficient reason for doubting the assertion of the Venerable Bede, who was himself ordained by St. John of Beverley and wrote his biography, that the church on this spot, was rebuilt by that saint at the time that he was Archbishop of York, on a yet older foundation.<sup>1</sup> For our own part, we prefer to accept the concurrent testimony of eight centuries of writers and of the faithful of the Church, together with ancient evidence embodied in the very fabric of the minster, to nineteenth century critical incredulity, based on

<sup>1</sup> Mr. A. F. Leach, has given various ingenious reasons, in the introduction to the *Beverley Chapter Act Book*, printed by the Surtees Society in 1897, for believing that Athelstan was the original founder of the minster and for disbelieving the identity of Bede's "Inderawuda" with Beverley. With regard to all this criticism, Canon Nolloth, the vicar of Beverley Minster, shrewdly remarks: "In this, as well as in certain higher matters, the difficulties of unbelief are surely greater than the difficulties of faith."

the alleged inconsistencies of a few surviving texts. In the eastern vault of the church now standing is the old inscription—*Beverlacensis Beati Johannis subtus in theca ponuntur ossa*, “In acoffer beneath are laid the bones of the Blessed John of Beverley”; whilst round the western boss of the nave vault was discovered, in 1867, another inscription—*Beverlacensis Johannes Sanctus nobilissime hujus ecclesie Fundator*, “St. John of Beverley, Founder of this most noble church.”

John of Beverley, born at Harpham-on-the-Wolds, some eighteen miles from Beverley, about 640, was educated at Canterbury and Whitby. He was consecrated Bishop of Hexham in 687, and is said to have first visited Beverley in 690. In 706 he was translated to York. Bede assures us that the saint retired to Beverley in 718, there to end his days, worn out by age, after his resignation of the archbishopric. He died on 7th May, 721, and was buried in the chapel of St. Peter.<sup>1</sup> In 1037, the archbishop was canonised by Pope Benedict IX., and his remains were translated from the carved wooden case in which they had rested, to a far more sumptuous shrine, plated with gold, and sparkling with precious stones. A yet more magnificent shrine, on a larger scale, was procured by the provost and canons towards the close of the thirteenth century. It doubtless

<sup>1</sup> The word *porticus*, here rendered chapel, has usually been translated “porch”; but it most probably means the canopy or baldacchino of the altar of St. Peter.

rested in the chapel immediately behind the high altar.

It was the possession of the relics of this most saintly and learned archbishop which caused Athelstan, who was crowned in 925, to show such exceptional respect to the capital of the East Riding. Alured describes him as amplifying its possessions, raising its liberties to the highest pitch, and honouring it with a variety of royal gifts. When the remains of St. John of Beverley, which were probably hidden in the evil sacrilegious days of Henry VIII. and Edward VI., were again brought to light during a process of repairing in 1736, a small dagger was found with them. This was probably the pledge left by Athelstan on the altar when he visited this shrine in 933, to invoke the assistance of St. John, before the battle of Brunanburgh.<sup>1</sup> On that occasion, he received the banner of the church of St. John from the hands of the archbishop, and on his return, after the victory, which made him practically the first king of all England, Athelstan still further honoured the church with vessels of gold and silver which were still in use at the time when Alured wrote. The king also left before the altar of St. John, the arms which he had used, namely, his bow, arrows, quiver, two-handed sword, lance, shield, cuirass, and helmet. From that time down to

<sup>1</sup> See the admirable article on "Beverley and its Minster" by Rev. Canon Nolloth in *Memorials of Old Yorkshire* (1909).

the Reformation, England's kings, with hardly an exception, were wont to visit or show great respect to the venerable minster, and the shrine of its saint. When the Conqueror was devastating the wolds and valleys of Yorkshire, it is said that he broke up his camp, and removed it far away, lest he should "disturb the peace of St. John." Of Henry IV. it is recorded that when worshipping here, he confirmed all previous royal charters, and more especially the sanctuary rights with its Frith Stool.

After setting out in detail the consecutive sanctuary bounds of the minster, with the respective penalties attached thereto, Alured proceeds to record other details with regard to the fugitives who might here seek for peace or immunity. Those who had committed homicide, theft or other offences, as well as those who from any cause were in danger of death, on coming within the Beverley bounds, were received there by the canons or their ministers, with much humanity. They were allowed to tarry for thirty nights and days within the sacred precincts. Their food was provided for them in the refectory, and they had a bed in the dormitory, or, if they were persons of any distinction, in a house within the precincts. During that period it was the duty of the canons to secure, if possible, peace or pardon for the fugitive; but if that could not be accomplished, at the end of the thirty days

or sooner if it was wished, he was conducted under safe guard to the outer limits of the sanctuary, there doubtless to meet the coroner and to undergo the usual process of outlawry in accordance with the general custom pertaining to those who gained sanctuary in ordinary churches. A marked difference between Durham and Beverley was that in the latter case the church authorities permitted no intrusion within the precincts or town of any coroner, sheriff, or county officer in sanctuary cases.

An offender who had once been in sanctuary at Beverley might, according to this twelfth century writer, claim the same privileges a second time, but if he sought refuge a third time he became a servant of the church for his lifetime and had always to reside within the Beverley limits. Alured does not make the question of the life sanctuary men clear in his digest, but, from a comparison of various disjointed references to Beverley's immunity rights, it appears that all duly registered fugitives for grave offences, such as homicide or amputation of limbs, were, from the earliest period, at liberty to remain for life on swearing obedience to the minster and town authorities.

The second manuscript of importance at the British Museum relative to this sanctuary, is the register of those fugitives between the years 1478 and 1539 who sought perpetual immunity and took the oath of obedience to the canons and

town authorities.<sup>1</sup> This list has sometimes been mistaken as being a full schedule of the whole of the fugitives during that period. This, however, does not appear to have been the case, for no entries seem to have been made of those whose offence was pardoned through the intercession of the canons, nor of all those who preferred to submit themselves to the usual process of outlawry either immediately or after the lapse of so many days of residence.

The number of those who took the oath as sanctuary men during this period was 493, which yields an average of eight a year during the sixty-one years covered by the register entries. The largest number of fugitives came here on account of debt; the debtors numbered 208. Those who took refuge on account of homicide or manslaughter were 186; for various kinds of felony, 54; for coining, 7; and one each for horse-stealing, treason, and receipt of stolen goods. There were also 35 cases in which the crime or offence is in no way defined.

The condition or trade of the fugitive is omitted in upwards of a hundred cases. The following is a list of those in which it is supplied: Alderman, 1; arrowmakers, 2; bakers, 2; barbers, 3; bedmaker, 1; bowyers, 2; brewers, 3; brickmaker, 1; butchers, 43; capper, 1; carriers, 2; cartwright, 1; carpenter, 1; chandlers, 3; chapmen, 5; clerks, 2;

<sup>1</sup> Harl. MSS. 4292.

et d'entre les deux il est difficile de dire quelle est la plus belle. La forme de l'église est celle d'un rectangle, mais le portail est très élégant et bien proportionné. L'intérieur est également très beau, avec des voûtes et des colonnes qui soutiennent la nef. Les vitraux sont magnifiques et représentent des scènes bibliques. Le mobilier comprend une chaire en bois sculpté et une croix en fer forgé au-dessus de l'autel. L'église est entourée d'un petit cimetière où reposent plusieurs personnes célèbres de la ville.



clothier, 1 ; cooks, 2 ; coopers, 3 ; cutlers, 3 ; drapers, 5 ; dyers, 8 ; esquires, 2 ; fishermen, 2 ; fishmongers, 3 ; fuller, 1 ; gentlemen, 16 ; gentlewoman, 1 ; glovers, 4 ; goldsmith, 1 ; grocers, 5 ; haberdasher, 2 ; hatmakers, 2 ; husbandmen, 31 ; labourers, 38 ; literate, 1 ; maltster, 1 ; mariners, 3 ; masons, 3 ; mercers, 11 ; merchants, 2 ; millers, 2 ; minstrel, 1 ; painters, 2 ; pewterers, 3 ; physician, 1 ; pinners, 2 ; plumbers, 2 ; pouchmakers, 2 ; purser, 1 ; saddler, 1 ; salter, 1 ; servants, 2 ; shepherd, 1 ; shoemakers, 2 ; shearmen, 3 ; singing man, 1 ; skinners, 2 ; spinsters, 2 ; smiths, 5 ; surgeons, 3 ; tailors, 27 ; tanners, 2 ; tapper, 1 ; tylers, 4 ; vintners, 2 ; weavers, 7 ; wheelwrights, 2 ; woodmonger, 1 ; wooldriver, 1 ; woolman, 1 ; and yeomen, 20.

Six of the gentlemen in this list, as well as the two esquires, were guilty of murder or manslaughter. The Durham list contains no women, but three appear in the Beverley register. One of the spinsters, Etheldreda Weler, took refuge for felony, but the nature of the crime is not mentioned. The other spinster, Elizabeth Nelson, of Pollington, Yorkshire, came to seek the peace of St. John of Beverley on 12th March, 1509, for having murdered a certain infant at Hull, probably her own child. The case of the gentlewoman was that of an Elizabeth Beaumont, of Hetton, Yorkshire, who in conjunction with Robert Beaumont of Almondbury in the same

county, literate, confessed on the first Thursday in October, 1479, at Beverley, to the murder of Thomas "Alderlay de Almanbery" on the 26th September.

The instruments of murder or manslaughter are very seldom named in this Beverley register, though they are almost always given in the Durham entries of the same period. The reason for this difference is not far to seek. For the latter cases procedure was taken before the coroner, and at such an enquiry or confession, the instrument had to be named, because, according to the common law of the land, it was *deadand* or forfeited to the crown ; but at Beverley, as has been already remarked, the proceedings were strictly ecclesiastical. In three consecutive cases which were registered in the year 1482, it is stated that the victim had been killed by a stick or club (*baculus*). In a few instances, mention is made of various forms of cutting instruments, such as daggers, lances, spears, and a sword, whilst in two cases the victim was done to death with a pitchfork.

On two or three occasions, the Beverley entries are made in English, probably in the absence of the regular scribe, when the entry was made by some one who dare not trust himself to Latin. There are two English entries, both of the year 1491 :—

" Memorandum, that John Spret, of Barton upon Umber, in the Counte of Lyncoln,

gentilman, com to Beverlay, the ferst day of October, the . . . yer of the reen of Keing Herry the vij, and asked the lybertes of Saint John of Beverlay, for the dethe of John Welton husbandman, of the same toun, and Ruawleg hymselff to be at the kylling of the saym John with a dagarth, the xv day of August."

"Thomas Francis, of Pullan in ye Counte of Norfolk, com to Beverlay, xvij day of October, the vij year of our sufferain lord of Keing Herre the vij, and asked the libertee and santuare of Saint John of Beverlay, for the dethe of Thomas Hefflay of Danson of the saym Counte, and for detts ; and es admytted to ye libertee."

The oath of one seeking the liberty of St. John of Beverley was received by the archbishop's bailiff. The clerk of the court made entry of his description, his residence, and the place and mode of the crime, and then

"Gar him lay his hand uppon the book, saying on this wyse.

"Sir, take hede on your oth. Ye shalbe trew and feythfull to my Lord Archbisshop of York, Lord of this towne, to the Provest of the same, to the Chanons of this Chirch, and all othir ministers therof,

"Also ye shall bere gude hert to the Baillie and xij gouernors of this town, to all burges and comyners of the same,

"Also ye shall bere no poynted wepen,

dagger, knyfe, ne none other wapen, agenst the Kynges pece.

“Also ye shalbe redy at the obitt of Kyng Adelstan, at the dirige, and the messe, at suche tyme as it is done, at the warnyng of the belman of the towne, and doe your dewte in ryngyng, and for to offer at the messe on the morne So help you God and thies holy Evangelistes. And than gar hym kysse the book.”<sup>1</sup>

The sanctuary man then paid the bailiff or his deputy the fee of 2s. 4d., together with 4d. to the clerk for inscribing his name in the register.<sup>1</sup>

Among the more exceptional cases, the following may be briefly mentioned. John Burnley of Halifax sought sanctuary on 1st January, 1475, confessing that he was an unlicensed coiner and had escaped from the king's gaol. On 24th May, 1478, John Boys, of Doram, co. Durham, sought the peace of St. John of Beverley, for having occasioned the death of Dominus Baxter, a monk of Jervaulx abbey, on 12th April at Doram. In 1504, Richard Spiner, of Catton, tailor, who had stolen sixteen ells of russet cloth, was imprisoned in York gaol, but he broke out and made good his escape to Beverley. John Lambe, butcher, of “Parshall” (? Peppershill), Bucks, on 8th January, 1532, sought the liberty and sanctuary of St. John of Beverley, on account of treason against the body of the Lord King

<sup>1</sup> Harl. MS. 4292, f. 17b.

and for breaking the king's prison ; he was duly sworn and admitted as a sanctuary man, but the entry is erased in the manuscript, doubtless on the discovery that under Henry VIII. all treason was exempted from sanctuary privileges.

The portion of this register selected for illustration on the accompanying plate, chosen because of the extra clearness of the writing, consists of three entries of the year 1478 at the top of folio 18. In the first of these William and John Salvan, both esquires, John Highfeld, gentleman, together with George Walton and John Hunt, gained sanctuary on account of having put to death one Henry Hardewyt. In the second case entry is made of Robert Bilton, husbandman of Hutton Cranswick, taking the customary oath and being admitted to the peace of St. John of Beverley, on account of having slain Thomas Matlyn of the same place. The third case is that of Robert Alestre, of Nottingham, who was admitted to permanent sanctuary, owing to his having killed, at Nottingham, one John Hill, yeoman of Westminster.

The reasons why fugitives frequently avoided sanctuaries near at hand to the scene of their offence, mainly through fear of being intercepted, have already been discussed. Although the large majority of sanctuary cases at Beverley came from Yorkshire, a fair number came hither from Durham. The fame of this shrine of St. John of

Beverley and the comparative ease with which the life refugees could enter into the town life were widespread, and brought fugitives from every part of the kingdom, as appears from the following list of the counties from which they came during the sixty years covered by these extant registers; only four English counties are missing.

Anglesey, 1	Middlesex, 5
Berks, 3	Norfolk, 12
Bucks, 3	Northants, 3
Cambridge, 4	Northumberland, 3
Chester, 1	Nottingham, 16
Cumberland, 4	Oxford, 2
Derby, 13	Pembroke, 1
Devon, 5	Rutland, 2
Dorset, 2	Salop, 3
Durham, 16	Somerset, 1
Essex, 7	Stafford, 2
Gloucester, 3	Suffolk, 8
Hants, 3	Surrey, 2
Herts, 1	Sussex, 1
Hunts, 2	Warwick, 6
Kent, 4	Westmoreland, 2
Lancaster, 6	Wilts, 2
Leicester, 4	Worcester, 2
Lincoln, 40	Yorkshire, 173
London, 24	

The York episcopal registers contain some fourteenth century references to Beverley sanctuary cases. A letter of Archbishop Melton to the provost and canons of Beverley, written on 21st August, 1331, as to sanctuary appears in the registers of that prelate.<sup>1</sup> In his preamble, the

<sup>1</sup> York Registers, Melton, f. 430.

archbishop recites the ancient privileges granted to that glorious confessor, the Blessed John of Beverley, by King Athelstan, whereby any fugitive coming within a mile of the minster or touching one of the boundary crosses was free from any legal process, under pain of the greater excommunication. The archbishop then draws attention to the case of John Acraman, of Bruges (? Bridgnorth), who took sanctuary there for killing Sir John Nele, knight, at Coventry, as well as for other crimes and felonies which he expressly confessed to having committed at Norwich. He was admitted as a permanent grithman after the customary use, but on Wednesday next after the feast of St. James, he had been carried out by force, after nightfall, in spite of his protests. Those who had committed this outrage on the peace of the Blessed John, and those conniving at it, had incurred the penalty of excommunication, and the archbishop called upon the canons to see that John Acraman was brought back to Beverley to enjoy the chartered immunity, or the violators of sanctuary would be punished with a rod of iron.

On 11th January, 1322, the archbishop wrote to the steward of the provost of Beverley in strenuous terms as to Simon de Beltoft, Thomas de Parys of Sneinton, and Thomas de Parys of Mexborough, who had claimed immunity, made their confessions, and been duly admitted to sanctuary. Information had reached the archbishop

that these three men had been by force removed from sanctuary, and he charged the provost if this breach of sanctuary had been in any way his doing or with his sanction, instantly to revoke his action and to cause these men to be replaced within the asylum of the church. A similar missive was sent on the same day to the canons of Beverley.

The records of the town of Beverley yield interesting fragments of information with regard to the condition and standing of the sanctuary men or frithmen who had taken up their life residence within the immunity bounds.<sup>1</sup> They were evidently allowed to reside where they pleased, and were at liberty to follow their own craft or trade, and even to be members and officials of the trades gilds. Although by becoming sanctuary men they forfeited to the crown all their possessions, real or personal, the friends or relatives of many of them would doubtless supply funds or advance money to enable them to start in business.

In the book which deals with the Ancient Customs and Liberties of Beverley, there is a long *Nota de Grithmen* of the time of Henry VI., of which the following is a translation :—

“The community of the town of Beverley gathered together in the Gild Hall, Tuesday, 16th March, 1429, to consider a letter sent to

<sup>1</sup> Historical MSS. Commission Report on the MSS. of the Corporation of Beverley (1900).

the twelve keepers or governors of the town of Beverley undernamed, in the name of Sir Henry Brounflen, knight, and Master John Ellyecarr, the purport of which letter was this : That for the respect due to their worships, and at their supplication, the twelve keepers should admit William Gelle, fisherman ('fisscher'), and make him a burgess. This being shewn to the community, they with one consent said that the said William Gelle is a Grithman, and inasmuch as it was ordered and decreed before the said day that they should not for the future make any Grithman a burgess, therefore he cannot be admitted to that liberty nor any other Grithman for ever. And it was ordered and decreed the same day and year that no burgess of the town of Beverley who is a Grithman shall for the future, to the offence of the common people, or against the peace of our Lord the King, carry on him any knife or dagger (*dagarium*) except with a blunted point, nor a club (*baculum*) nor short sword (*baselardum*) within the town of Beverley, on pain of forfeiture of the same to the Lord Archbishop, and forfeiture of his burgess-ship to the community of the town of Beverley for ever. And that these ordinances and constitutions may have perpetual force they were ratified and confirmed by Roger Rollyston, and eleven others, the twelve keepers or governors of the community of the town on the day and year aforesaid, with the assent of the aldermen and stewards of all the crafts (*artium*) of the

aforesaid town and of all the co-burgesses there present."

In 1447 certain ordinances were made as to grithmen's payments if practising a craft. Among certain orders made on 25th April, 1460, it was ordered and decreed that no grithman should hereafter be a burgess, even though he held a royal charter. This expression appears to refer to the full pardon occasionally granted by the crown to a sanctuary man, and it may fairly be assumed that the position of a Beverley grithman was sometimes so successfully established that he did not desire to quit the town although the pardon gave him full liberty to depart.

A long and important agreement was drawn up in November, 1536, between Edward Lee, Archbishop of York, and Lord of Beverley. The last clause but one relates to the grithmen, and runs as follows :—

"And moreover the said Lord Archebushoppe haithe graunted to the said burgesses and their successorers, that the sanctuarie men comeng to the said towne of Beverlaie, occupienge anye crafte or misterie there, shall pay unto the upholding of castell and clotheng and oother things for the upholding of the craft or misterie as oother men occupienge the said craft or misterie paye."

After this concordat a new form of oath was imposed on admission to burgess-ship. The following was the opening phrase :—

"Thys swer I that I am fre and no gyrrthman."

The following orders of the trades gilds of the town make direct reference to the sanctuary men. The gild ordinances of the Butchers, in use in 1365, prescribe "that every butcher aforesaid who is grithman, and is not able to be a burgess, though willing to be, shall pay yearly as long as he follows ('occupaverit') the same craft for the common expenses of the craft aforesaid to the Alderman, 12d., to be paid without delay." This order is repeated in the later English version of 1416.

The statutes of the Cordwainers, under date of 2nd March, 1468, enact that "every new master is to lift up his hand to the Alderman that he will be obedient, and to pay 3s., or if he be a grithman 12d."

The Act 32 Henry VIII. extinguished all special rights of sanctuary, such as those of Beverley and Durham. The Beverley special register, therefore, came to an end in 1540. The two last folios, however, of this valuable book, contain a number of highly interesting later entries of a brief description. From these it is clear that an effort was made soon after the accession of the boy-king, Edward VI., to re-establish the ancient privileges which had gone on uninterruptedly for six centuries. These later entries record simply the name and occasionally the occupation of the would-be grithman,

or fugitive, with the year, and in one or two instances the day of the month appended. The Act of 1540, as has been already said, permitted the ordinary use of churches and churchyards as sanctuaries, except in a number of more serious crimes ; but these Beverley refugees of a later date were obviously not of that character, for each name is followed by the abbreviated word *jur*, implying that the applicant for immunity took the official oath of Beverley. On the 6th August, 1548, one Hugo Tailler was sworn as a fugitive. There are several other names entered of that year as well as of 1549. This attempt to revive the old use seems then to have been suppressed. The next entries begin in 1553, when there were no fewer than twenty of such cases sworn. It will be remembered that Mary came to the throne in July, 1553, and so far as we can ascertain, the authorities at Beverley at once restored the custom which regulated the admission of the grithmen. The Queen's restoration of the old immunities to Westminster Abbey is well known, and dealt with elsewhere. The total number of these later sworn fugitives herein enrolled come to the large total of 210. It may be accepted with certainty that the privilege continued, and fugitives from time to time applied up to the date of Queen Mary's death on 17th November, 1558 ; but the last names which appear in this register are of three who reached Beverley in 1557. They are thus entered :—

Simon Allen . . . .	28 Junij, 1557.
Robt. Shawe . . . .	31 January, 1557 (8).
Ric. Viells . . . .	vij February, 1557 (8). <sup>1</sup>

In no single case of these later applications for immunity is the crime or alleged offence of the applicant named; but in about eighty instances the occupation of the fugitive is stated. They include four barbers, a brewer, seven butchers, a candlemaker, three carpenters, a chaplain, a cook, two curriers, four drapers, two dyers, one farmer, two fishermen, two fullers, two gentlemen, three glovers, one goldsmith, one hardwareman, three labourers, two merchants, four millers, one pewdarrer (pewterer), two potters, a saddler, three smiths, a spurrier (a maker of spurs), six tailors, six tanners, one tiler, one victualler, one waterman, three weavers, and two wrights.

<sup>1</sup> These three names, together with two of 1555, are crowded in at the bottom of f. 34<sup>b</sup>. No room is left anywhere in this parchment register for the entry of any further names.

## CHAPTER VII

### OTHER NORTHERN SANCTUARIES

York and Southwell—The Priory of Hexham—The Collegiate Church of Ripon—The Priory of Tynemouth—The Priory of Wetherhal—The Priory of Armathwaite—The Church of Norham.

#### THE MINSTERS OF YORK AND SOUTHWELL

IN the White Book or *Liber Albus* of Southwell minster is the copy of a letter from the Chapter of York to the Chapter of Southwell, stating the customs of York minster, as found at an inquest of the year 1106. In that year when Osbert was Sheriff of Yorkshire, he wished to deprive the church of York and the whole archbishopric of all the good customs which they anciently had. But Archbishop Girard complained to the king, and he sent Robert, Bishop of Lincoln, and four others to inquire at York what were the customs of the church of the Blessed Peter. They, having convoked the shire moot, charged the wisest English of the city by the faith they owed the king to find a verdict concerning these customs. The verdict of Ulvet son of Forno, by hereditary right lawman or lawgiver of the city, in conjunction with eleven other jurors, set forth the customs and liberties in detail anciently

SOUTHWELL MINSTER.





given by King Athelstan, reverently kept by his successors, and confirmed by papal decrees. The following were the declarations of the jurors with regard to sanctuary :—

“ Any one who seizes any one of whatever crime guilty or convicted within the close (*infra arctum ecclesie*), and does not surrender him, shall pay six hundredth, if in the church twelve hundredth, in the quire eighteen hundredth, and do penance as for sacrilege. A hundredth is six pounds.<sup>1</sup> But if any one, agitated by a mad spirit, with devilish audacity presume to seize any one in the stone chair near the altar, which the English call ‘ Fritstol,’ that is the chair of quiet or peace, for so atrocious a sacrilege amends are within the competence of no court, and by no tale of money can be closed, but among the English he is called boteless. . . . These fines belong not to the archbishop but to the canons. . . . If a homicide or thief or criminal or outlaw fly to the church for defence of life or limb, he shall be in peace there thirty days. If within that time he cannot make peace with those he has wronged, the clerks shall be able to take him up to thirty leagues (*leugas*) wherever he likes with some sign (cross) of the Church’s peace and reliques, and any one who breaks the peace on them within the said space shall be guilty of breaking the Church’s peace, namely of one hundredth ; and in this way they shall be able to

<sup>1</sup> Elsewhere, the hundredth is said to equal eight pounds.

conduct him and to bring him back three times. Any one coming to the Church, wishing to live in peace there rather than to dwell among criminals, by the custom of the Church shall be in peace there for as long as he will. If any one for urgent cause wishes to depart, he shall be able to go in peace, under conduct of the canons, with the sign of the Church's peace to a neighbouring church having like privilege, to wit the churches of Blessed John of Beverley, Blessed Wilfrid of Ripon, Blessed Cuthbert of Durham, and St. Andrew of Hexham. They have similar fines for breach of peace."

Particulars follow as to the mile (*miliare unum*) sanctuaries of Beverley and Ripon as founded by Athelstan.

"Moreover at the three feasts<sup>1</sup> and at Pentecost all coming and going from their homes have peace, and if any one break that peace, penalty of one hundredth. Similarly at the feasts of St. John Baptist and of Blessed John the Confessor, and the dedication of the church of Beverley, and on the two feasts of St. Wilfrid at Ripon."<sup>2</sup>

It appears from the *Quo Warranto* proceedings, 3 to 5 Edward III., that up to that time Southwell had no separate charter, but merely general charters granting that minster like privileges with the church of York ; but after these

<sup>1</sup> Probably of St. Peter in Cathedra, 22nd Feb. ; St. Peter the Apostle, 29th June ; and St. Peter ad Vincula, 1st Aug.

<sup>2</sup> Leach's *Visitationes and Memorials of Southwell Minster*, pp. 190-5.

proceedings had resulted favourably to Southwell a special charter was granted by the king, reciting the proceedings and confirming the established privileges.<sup>1</sup>

So far as we are aware, there are no special records extant of sanctuary cases either at York or Southwell.

#### THE PRIORY OF HEXHAM

St. Wilfrid, who was born in Northumbria in the year 634, and who died in 709, made so great a mark upon his age, that it seems unlikely that his memory can ever fade away. In his native district, not only do some five and forty churches bear his dedication, but the name of Wilfrid has passed into the strictly limited stock of non-biblical Christian names which are still in fairly common use among the peasantry of Westmoreland and Yorkshire, and to a limited extent, in several counties farther south. It is not necessary to give here any account of his somewhat complicated history, or of the unfaltering devotion of this devout prelate to his ideal of Roman unity and Roman supremacy. To him we owe the foundation of his earliest and best-loved monastery at Ripon, and only second in importance to that foundation was the great church of somewhat later date at Hexham. His chief delight, throughout his long and chequered career, was the

<sup>1</sup> *Placita de Quo Warranto* (Rec. Com.), pp. 615, 636, 648.

building and beautifying of churches, and doing all in his power to enhance their sanctity.

There seems to be little or no doubt that the privilege of sanctuary possessed by Hexham was acquired for that church and its surroundings by Wilfrid himself. If this was the case, Hexham seems to have been the first of the great minsters to possess this power of prolonged immunity for transgressors ; for the four chief churches of the diocese of York, as is subsequently shown, did not attain to their exceptionl sanctuary rights until the days of Athelstan in the tenth century.

The history of the founding of the church of Hexham, and of the early bishops of that place, was written by Richard, who was prior of Hexham about the middle of the twelfth century ; his history ends with the year 1154.<sup>1</sup> Two chapters of this book are specially concerned with the sanctuary rights. He therein tells us in distinct terms that these privileges were obtained by St. Wilfrid through his influence with the Roman See, and that they were confirmed by a variety of archbishops and bishops, as well as by kings and princes, both of Scotland and England, down to the days in which he wrote. Not only were criminals and fugitives protected by this peace of Hexham, but it also served to preserve numbers of others, both in life and substance, from

<sup>1</sup> The best edition of Prior Richard's *History of Hexham* and his *Acts of King Stephen* are to be found in the *Memorials of Hexham* issued by the Surtees Society in 1864-5.

the terrors of invading armies and forays from Scotland.

After describing these immunities in general terms, Prior Richard, in the last chapter of the second part, deals more definitely with its precise extent. As at Beverley and the other Yorkshire minsters, there were six degrees of safety. The outermost cordon was at a distance of about a mile from the town, and the boundaries were marked by four crosses, which were then standing, without the town of Hexham. The penalty for violating sanctuary after these crosses had been reached or passed was £16; within the town, £32; within the walls of the precincts of the church, £48; within the church itself, £96; and within the gates of the quire, £144. These figures are based upon Richard's reckoning, that the *hundreth* equalled £8. But if any one was possessed of a sufficiently diabolical spirit to attempt to arrest any one in the stone chair by the side of the altar, *quem angli vocant fridstol*, no pecuniary penalty could compensate for the outrage, for it was *botolos*, i.e. bootless to be attempted, and the actual penalty is left to the imagination.

The prior quotes these limits, and the penalties attached to each, from a charter of immunity granted to York Cathedral and to the other great minsters connected with the See by Henry I., confirmatory of ones of earlier date. This document is more particularly mentioned under

Southwell. The prior goes on to state that during the rule of Thurstan, who held the archbishopric of York from 1119 to 1140, there were two occasions when, in the sight and audience of many wise and noble men, the archbishop directed that the outer sanctuary bound on the north was to be reckoned from the centre of the river Tyne. The first of these occurred when a certain man was escaping from Hudard, the sheriff, who held office between 1113 and 1131, and the second when another was flying from the custody of Bernard de Balliol, lord of Bywell, a vill immediately to the east of Hexham. In both cases the fugitives appear to have been debtors caught whilst crossing the river; the archbishop's power was sufficient to secure not only the restoration to Hexham sanctuary of the persons of these two men, but also of the goods they were carrying. The prior further adds that boundary crosses were then erected on the margin of the river, as it was found impossible, owing to frequent floods, to fix them in the centre of the water.

The same author, in his *Acts of King Stephen*, whilst detailing the events of the year 1138, says that King David of Scotland and his son both confirmed to Hexham its full rights of sanctuary, as founded by the Blessed Wilfrid, with the special object that in times of war and discord it might be a perfectly safe refuge (*tutissimum asilum*) for any member of



*By Ralph Hedley, R.B.A.*

SANCTUARY.  
(The Hexham Frith Stool.)



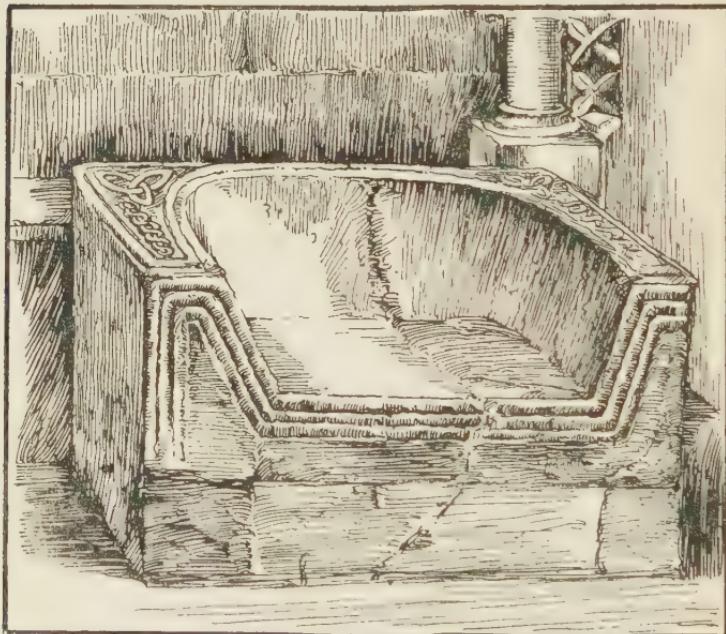
either poor or rich who might there preserve not only their lives, but also their goods.

As to the Hexham sanctuary crosses, Mr. Fairless, a local antiquary, described, in 1863, a considerable fragment of the cross that stood due east as preserved on the premises of the Union Workhouse. To the direct west of the church, he mentions a spot of ground known by the name of the Maiden Cross, which was supposed to be the site of the cross in that direction on the road to Carlisle. Nothing was known of the cross to the south, but the stump or socket of a cross was standing in a field due north on the Alnwick road, by the side of a bank known as Cross Bank. This last, however, was about two and a half miles from Hexham. It therefore follows that none of these remains of crosses could have had any connection with sanctuary, for the distances are all wrong, unless we are to believe that they had one and all been moved.<sup>1</sup>

But if there is every reason to be sceptical as to the supposed remnants of the crosses set up by St. Wilfrid to mark the boundaries of the peace of Hexham, there need be no doubt as to the genuineness of that far more important and priceless relic, the Chair of Peace, still extant within the walls of the abbey church. The celebrated Frithstool of Hexham was probably the actual

<sup>1</sup> See *Memorials of Hexham* (Surtees Society), i. 60-1; also Wright's *History of Hexham* (1823), 17. The *New History of Northumberland* (1890), iii. 242, only repeats previous conjectures as to the possible remains of the ancient crosses.

bishop's chair, the *cathedra* of the Saxon church, and used as such by St. Wilfrid at the time when he was Bishop of Hexham. The block out of which this ancient seat has been hewn is of a close grit-stone measuring 2 ft.  $7\frac{1}{2}$  in. in length,



THE FRITH STOOL OF HEXHAM.

1 ft. 9 in. in width, and 1 ft. 10 in. in height. The surface of each of the arms is decorated by an interlaced scroll, having at the end a three-fold knot. The rest of the ornament consists of incised parallel lines. The original base has gone; it is now raised on three stones of somewhat coarser material. The chair, as Mr. Hodges points out, has a distinctively classical feeling in

its design, and the Bishop of Bristol has suggested that it was modelled after some similar chair which St. Wilfrid had seen when at Rome. It is somewhat peculiar that the triquetra knots in the ornamentation of the arms are not joined to the bands, but are quite independent of them. This most venerable stone seat, the oldest episcopal stool in England, possibly in Christendom, has been repeatedly moved about, and shamelessly treated by its guardians in comparatively modern days. In 1830, the frithstool was taken away from near the high altar where it had stood in mediæval days and placed in the north aisle behind Prior Leschman's chantry. There it stood until 1859, when it was again translated into the aisle of the south transept; the moving was accomplished with such crass carelessness that the moulding under the seat was destroyed, and the seat itself actually broken into two pieces. It was moved yet again in 1872, and, for a fourth time in the nineteenth century, in 1885.<sup>1</sup> The last move of all has probably brought it nearly to its true mediæval position.

The references that survive as to those who fled to the peace of Hexham are not numerous, but several occur in the Northumberland assize roll of 1256. Richard the son of Gamel, attempting to outrage Alice, the daughter of Ivo de la Dene, in the field of Langley, was struck by her with *quodam parvo kynpulo* so that he died within

<sup>1</sup> *Hexham Abbey*, G. C. Hodges (1888).

a month. Alice immediately fled to the peace of Hexham. The jury held that the wound was inflicted by Alice in self-defence. Ivo, her father, offered the crown 40s. and two sureties so that Alice might be able to return. Adam de Harestanesden, and John and Walter his sons, struck Gylemius de Elyrington in the field of Langel, so that he died within five days. They immediately fled to the liberty of Hexham and were outlawed. Ralph the smith of Heyden killed his wife Christiña by night, in his house at Heyden, but escaped to the liberty of Hexham and was eventually outlawed. His chattels were valued at 61s. The vill of Hayden was in mercy for not taking him, and two men were also in mercy for a false appraisement of his chattels. A curious case is registered on the same roll of a Scotchman killing an Englishman actually in Hexham ; the murderer made no claim to sanctuary in the town, but escaped to Scotland. The town was declared in mercy for not taking him. It is added that “the bailiffs of that liberty do not permit coroners or sheriffs to enter.”

Up to the very eve of the dissolution of the monasteries, Hexham was resorted to as a sanctuary by the Borderers, and was a special means of assuaging the fierceness of international raids. Edward Lee, Archbishop of York, gave the house a good character in a letter written to Cromwell in April, 1536, wherein he pleaded strongly, but of course in vain, that the two

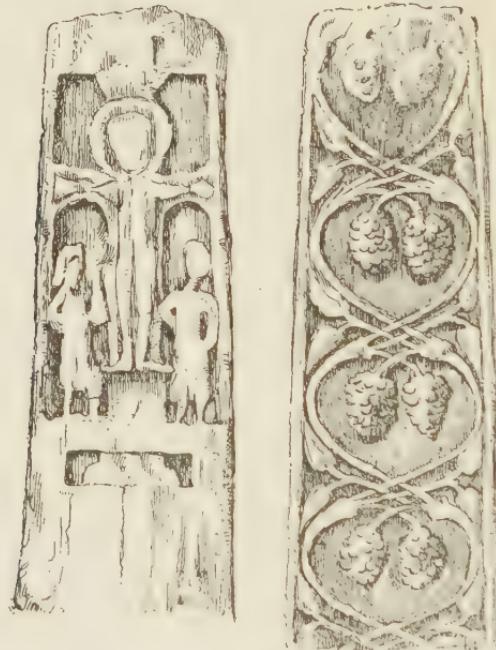
houses of Hexham and St. Oswald, Gloucestershire, both in the archbishop's patronage, might be spared out of the general ruin. Of Hexham, he wrote :—

“ It was some time *sedes episcopal*, and many holy men, sometime bishops there, be buried in that church, saints by name ; and wise men that know the Border think that the lands thereof, although they were ten times as much, cannot countervail the damage that is like to ensue if it be suppressed, and some way there is never a house between Scotland and the lordship of Hexham ; and men fear if the monastery go down, that in process of time all shall be waste much within the land. And what comfort that monasteries is daily to the country there, and specially in time of war, not only the country men do know, but also many of the noble men of this realm that have done the King's Highness service in Scotland. . . . I entirely pray you, if you think that I have reason to sue for these two, that you will help me to save them. And as for Hexham, I think it is necessary to be considered, as I think they that know the borders will say.”<sup>1</sup>

At one time an early cross of much beauty, standing in the grounds of the Spital, Hexham, used to be pointed out as one of the grith crosses. It bears the Rood on the front side, whilst on the back and sides are beautiful designed scrolls of

<sup>1</sup> Cott. MSS., Cleopatra, E. iv. 239.

grapes and tendrils. It is of course possible that this may have been a grith cross at the entrance of the town or church precincts ; but the best opinions pronounce it to be a memorial cross, and it has even been conjectured that it



EARLY CROSS. THE SPITAL, HEXHAM.

was erected to the memory of Acca, who succeeded Wilfrid in the bishopric of Hexham and whose death occurred in 740.

#### THE COLLEGIATE CHURCH OF RIPON

With regard to the great collegiate church of St. Wilfrid of Ripon, it is stated that Athelstan

conferred sanctuary rights on the minster and place at the time that he came there with his army, giving Ripon the same liberties as he had given to the church of Beverley. Athelstan came with his army into Northumbria at least twice, namely in 926 when he brought into subjection Ealdulf of Bamburgh, and again in 937 after the battle of Brunanburgh; the visit to Ripon was probably on the last of these occasions.

An early English thirteenth century metrical version of Athelstan's charter to the church of Ripon runs as follows :—

Wyt all that es and es gan  
 Yat ik King Adelstan  
 As gyven als frelich as I may  
 And to ye capitell of saint Wilfrai,  
 Of my free devotion  
 Yair pees at Rippon  
 On ilke side ye kyrke a mile,  
 For all ill deedes and ilke agyle,  
 And within yair kirke yate  
 At ye stan yat *Grithstole* hate.  
 Within ye kirke dore and ye quare  
 Yair have pees for les and mare,  
 Ilkan of yis stedes sal have pees  
 Of *frodmortell* and il deedes  
 Yat yair don is, tol and tem,  
 With iren and with water deme  
 And yat ye land of sent Wilfrai  
 Of altyn geld fre sal be ay.<sup>1</sup>

The only definite reference to sanctuary in the extant Chapter Act Book of Ripon,<sup>2</sup> which

<sup>1</sup> Birch's *Cartularium Saxonum*, ii. 325.

<sup>2</sup> Printed by the Surtees Society in 1875.

covers the period from 1452 to 1506, occurs under date of 12th May, 1458. Six girthmen or grithmen (*confugæ sive gyrthmanii*), Thomas Plumer of Bandgate, Robert Morton alias Herryson, slaughterer, of Westgate, Henry Jonson of Bloxumgate, Edmund Skaythlok, John Skaythlok, and William Topshawe of Ripon, were cited to appear before the chapter to show if there were any reasonable causes why they should not be canonically punished for perjury inasmuch as they had failed to observe their oath. The oath would doubtless be on similar lines to that already given under Beverley, and involved absolute obedience to the ecclesiastical authorities. Three of the grithmen made excuses. Thomas said that he had been carrying a rod (*rodd*) all the Rogation days except Monday. Robert said that he had not dared to go out of his house to carry a rod before the procession on the said days, for fear of imprisonment at the hands of his creditors. This explanation was not held to avail, for on those days grithmen were immune from all vexation. William, to avoid punishment, stated that he was ready to join the procession if the choir had gone out of the church according to their usual way. William le Scrop, the president, and the residentiary canons were not able to accept the excuses for their disobedience, and the three who pleaded were condemned to receive four scourgings with their rods before the procession on the four feasts of



RIPON MINSTER.  
(From a print, 1790.)



Pentecost, Holy Trinity, Corpus Christi, and the nativity of Wilfrid (12th Oct.), but were then of grace excused all save the scourging on the feast of St. Wilfrid. The other three did not appear, and were suspended. Afterwards Henry appeared, and in his case it was determined that he for his offence and contumacy should be scourged with his own rod once on the festival of Corpus Christi, and once on the festival of St. Wilfrid, the other two scourgings being pardoned. Edmund was summoned again for the vigil of Pentecost, and on his not appearing was excommunicated. Afterwards he appeared and was condemned to three scourgings for his offence and contumacy. John, the sixth grithman, was pardoned, because he was old and weak in intellect.

As to the supposed boundary crosses of this sanctuary, a cross stood on the road between Ripon and Nunwick, by a field still called Athelstane Close. The stump of "Archangel" or "Kangel" cross was sunk in the hedge of a lane leading from the canal bridge to Bondgate, and the base and stump of Sharow cross still remain on the Sharow Road. Another cross stood at Bishopton. At the end of the thirteenth century there were eight of these mile-crosses, marking the *Leuga S. Wilfridi* mentioned in Domesday.<sup>1</sup>

<sup>1</sup> Walbran's *Ripon*, 12th ed., p. 30. See also Gent's *History of Ripon* (1733), p. 100.

## THE PRIORY OF TYNEMOUTH

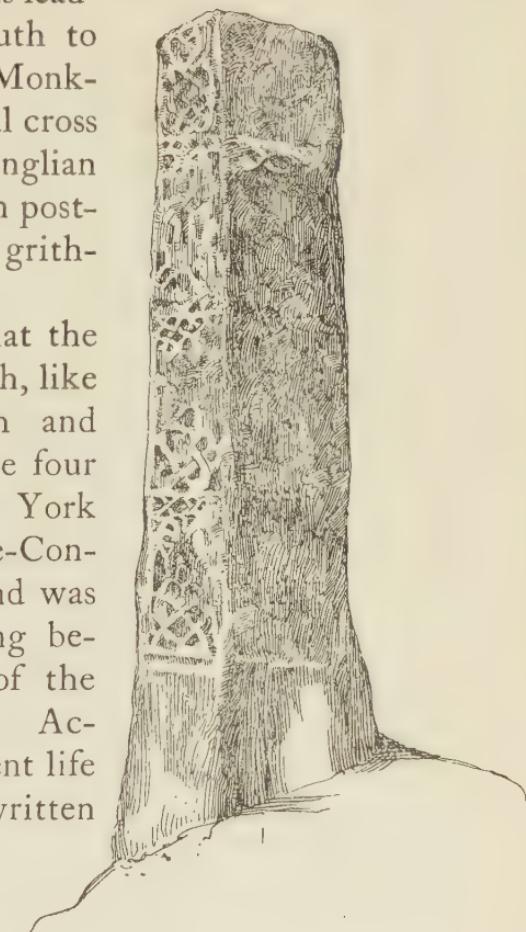
Founded upon a lofty rock projecting boldly into the sea, at the mouth of the Tyne, which here divides the counties of Northumberland and Durham, stood the once famous priory church of the Blessed Mary and St. Oswin King and Martyr. It was the premier cell of the premier English house of Benedictine monks, the abbey of St. Albans. The old monastery on this site, ravaged by the Danes, and long left desolate, was refounded in 1065, when the remains of St. Oswin, treacherously slain in 651, are said to have been miraculously discovered. Monks from St. Albans were installed there in 1090. Before the close of the thirteenth century, the prior of Tynemouth came into remarkably extensive privileges throughout his liberties. He appointed his own justices and coroner, and he had at Tynemouth a prison, together with gallows, tumbrel, and pillory.<sup>1</sup> The right of sanctuary was held by the priory from an early period, the precise date of which has not been ascertained. Tynemouth had its special peace or grith, with outer boundaries like Hexham and other memorable minster churches of the north of England. These boundaries probably extended for a mile

<sup>1</sup> See Mr. Craster's *Parish of Tynemouth* (1907), forming vol. viii. of the new History of Northumberland; also Gibson's two fine volumes on this priory, published in 1846.

inland, and would be marked by crosses on the approaching roads. Mr. Craster says: "It is not impossible that the Monks' Stone, near the junction of the roads leading from Tynemouth to Whitby and to Monkseaton is a memorial cross removed from the Anglian cemetery to serve in post-Conquest times as a grith-cross."

It seems clear that the peace of Tynemouth, like those of Hexham and Durham, and of the four great minsters of York diocese, was of pre-Conquest foundation, and was established here long before the renewal of the monastery in 1063. According to the ancient life of St. Oswin,<sup>1</sup> written by an anonymous monk at the beginning of the twelfth century, that saint of the seventh century, the last king of Deira, was buried

THE MONKS' STONE, TYNEMOUTH.



<sup>1</sup> *Vita Oswini*, Cott. MSS., Julius, A. x.; printed by the Surtees Society in 1838.

at Tynemouth, and it is implied there and elsewhere that special sanctuary rights pertained to the Anglian abbey erected on the headland some time prior to the eighth century. The life records, in chapter xlii., the escape of certain prisoners from the gaol of Newcastle, and their gaining safety at Tynemouth owing to the miraculous intervention of St. Oswin.

Although no register of Tynemouth's frithmen or grithmen has come down to our time, as in the cases of Durham and Beverley, the intermittent evidence as to their permanent residence within the sanctuary bounds is fairly frequent from the time when the priory came into the hands of the monks of St. Albans.

In 1294 the abbot of St. Albans and the prior of Tynemouth were both summoned to show by what warrant they claimed to receive all felons coming *infra grithcros de Tynemuth*.<sup>1</sup>

A highly interesting undated letter is extant among the Digby Codices of the Bodleian from the mayor and good men of Newcastle to the prior of Tynemouth, begging him to allow one Thomas de Carlisle, a burgess of their town, for whom they had great regard and esteem, to remain peaceably in his hired house in Tynemouth. The corporation bore testimony to his general good fame and probity, but he had been guilty of a personal assault.

By writ of Edward III., in 1342, Edward

<sup>1</sup> *Quo Warranto Rolls*, p. 593.

de Baliol, king of Scotland, was empowered to array and take into his retinue all grithmen who on account of felony had taken sanctuary at Tynemouth, and were willing to serve the king of Scotland in his army at their own expense, on condition of a pardon being granted them.<sup>1</sup>

In 1523, a Durham criminal took refuge at Tynemouth, whereupon Cardinal Wolsey, then Bishop of Durham, wrote the following letter to Lord Dacre, Warden of the Marches, asking for the delivery of the malefactor for punishment :—

“ My Lorde, I commaunde me herteley unto you. And wher of late an heynous murdre was committed at Shareston, within my bishoprikke of Duresme, by one Robert Lambert, Richard Littlefare, William Turnour, Robert Johnson and others, which murdred one Cristofer Radcliff, and after the same murder committed the said R. Lambert flegg unto the priorie of Tynemouthe for refuge and sanctuarie, and there as yet remaineth : I wille and desire you that by all means and politique wayes, which ye can devise, ye endeavour yourself with diligence for thapprehending and taking as welle of the said Robert as of thother malefactors, whiche goe abrode within that my bishoprike as yet unpunished. And after that ye have taken theim, or any of theim, to be delyvered into the hands of Sir William Bonham, Knyght, my Sheref there

<sup>1</sup> *Rot. Scotiaæ*, 16 Edw. III., m. 12.

in his keaping to remayn until such time as they may be ordred the Kinges lawes, and receyve punishment according to their demerites. . . . From my place at Westminster, the 12th day of June. Your loving frende,

“T. CARD<sup>LI</sup> EBORUM.”<sup>1</sup>

The result is not known, but probably Prior John Stonewall, who then ruled the priory of Tynemouth, was bold enough to protect Lambert.

Particulars can be readily gleaned as to the more ordinary use of this ancient sanctuary, whereby, after confession before the prior's coroner, the fugitive was called upon to abjure the realm.

One of the earliest references to the exercise of these usual sanctuary rights at Tynemouth occurred in the days of William Rufus, when Earl Robert de Mowbray, who had escaped from Bamburgh castle and was trying to join his friends at Newcastle, was intercepted by the king's forces and fled for refuge to this church. The soldiers, however, dragged him forth by violence and made him a prisoner. This is said to have been the only case of the violation of the peace of St. Oswin.

The priory, though doubtless tenanted by some who could appreciate its wild beauty, and were not dismayed at its exposed situation and

<sup>1</sup> Hearne's *Otterbourne and Wethamstede*, ii. 579.



THE PRIORY CHURCH, TYNEMOUTH.  
(From a print, 1813).



severe climate, was regarded by the most of the monks of St. Albans with considerable dread; it served as a place of banishment for the refractory. A long letter is extant from one of these southerner monks, written about the year 1200, in which he gives a highly picturesque and vivid description of his new home, on the top of a high rock surrounded by the sea on all sides, save for one narrow approach, with waves breaking and roaring day and night, and the north wind ever blowing. The people, he says, live on a black and evil-smelling sea-weed, which turns their complexions black. In the springtime the sea air blights the blossoms of the stunted fruit trees, so that you will think yourself lucky to find a wizened apple, although it will set your teeth on edge should you try to eat it. "But," concludes the writer, "the church, newly completed, is of wonderous beauty. Within it rests the body of the blessed martyr Oswin in a silver shrine, bedecked with gold and jewels. Here it is that he poured forth his blood for Christ, and here it is that he protects those guilty of homicide, robbery, or sedition who fly to him, and heals those whom no physician can cure."<sup>1</sup>

The Northumberland Assize Roll for the year 1240 contains various references to the remarkable liberty of Tynemouth, but it must

<sup>1</sup> See a full discussion on this remarkable letter, and a transcript of the original, in the *New History of Northumberland*, viii. 71-3.

be understood that although the king's ordinary writs did not run within the various townships pertaining to the priory of Tynemouth, definite sanctuary only belonged to the immediate precincts of the priory.

Two men found a certain chest on the sea-shore at Hadstone in the parish of Warkworth ; they broke it open and took the goods which it contained, and carried them into the liberty of Tynemouth. The coroner testified that they had taken many goods but was unaware of their value.—A horse kicked a girl, causing her immediate death. The first finder of the body, though summoned, did not appear at the inquest, because he was of the liberty of Tyne-mouth.—Agnes, the daughter of Richard de Wondehorn, struck Susannah, the daughter of John the miller of Eschott, with a staff on the head, so that she immediately died. Agnes was taken and imprisoned in the gaol of Newcastle. Thence she escaped into the liberty of Tyne-mouth.—Alan, the son of Laurence, wounded Richard Arkill near the town of Haliden within the liberty of Hexham. Alan immediately fled to the peace of Tynemouth, whence he was outlawed. His chattels were declared to be worth 16s. 1½d.—John de Elaund struck William, the son of Peter of Great Bavington, and held him by the neck until he was strangled. John immediately fled to the peace of Tynemouth, with the usual result of being outlawed. His chattels

were worth 48*s.* The town of Bavington was in mercy for not having caught him, and the townships of Bavington, Soklinton, and West Whelpington were also in mercy for not having sent their full quota to the inquest. Ralph, the clerk of Bavington, and another were in mercy for having falsely valued the chattels.—Lyulph, the brewer of Heddon, wounded Richard de Heddon with a knife in the arm, so that he soon afterwards died. Lyulph immediately fled to the peace of Tynemouth, made his confession, and was outlawed. His chattels were valued at 34*s.* The town of Heddon was declared in mercy for not having captured him, and the townships of Hocton, Roucester, and Great Hydewyne were also in mercy for not having come to the inquest.

Nor must information from another source be overlooked. There is a chartulary of Tynemouth priory at Syon House, the property of the Duke of Northumberland; it has not been printed, but an abstract of the more important contents is given in the eighth report of the Historical Manuscripts Commission. A letter therein of Edward II., written from York on 25th June, 1322, mentions that William de Midleton, taken at the capture of Mitford castle and imprisoned at Newcastle, had been delivered by the Scots; he thereupon fled and took refuge in the liberty of the prior of Tynemouth. The king urged the addressee to get him if he can;

and he wrote again to the same effect on 30th June. In this year, too, as recorded on the same folio of the chartulary, Richard de Tewing, prior of Tynemouth, received a letter from William Ridd and Richard de Emeldon, stating that he had in prison one Nicholas de Hawkeley, who was one of those who surrendered to them the castle of Mitford, to the great good of the county of Northumberland ; for which deed, they by the king's authority received them to the peace; they ask the prior to let Nicholas have the benefit of the conditions, by which is apparently meant the removal of him from the prior's prison and his admission as a grithman.

From certain pleas of the Crown of the reign of Edward I., entered in this same chartulary, we also learn that one Michael de Flanders having slain Geoffrey the reaper, in the fields of Tynemouth, was taken and imprisoned in the prior's custody ; but he afterwards escaped from that prison and put himself in the conventional church of the priory, where, before Adam de Pykering, the coroner, he confessed the crime and abjured the realm.

#### THE PRIORY OF WETHERHAL .

The Cumberland Priory of Wetherhal in the beautiful valley of the Eden, a few miles above Carlisle, was founded about the year 1106 by Ranulf Meschin, as a cell of the great Benedictine

house of St. Mary's, York. It was of much importance in connection with chartered sanctuary rights. The privilege of freedom from arrest which it afforded to criminals, was conferred by a charter of Henry I., by which he endowed it with all the customs and liberties which were then enjoyed by the great minster churches of York and Beverley.<sup>1</sup> The bounds of the sanctuary were marked by six crosses, namely : (1) the cross on the bank of the Eden opposite Corby ; (2) the cross near the chapel of St. Oswald ; (3) the cross by the porter's house (*juxta le loge*), on the bank of the river ; (4) the cross by the hedge at Warwick, on the boundary of the manor which was called by way of emphasis the Wetherhal "grythcrosse" ; (5) the cross between the vill of Scotby and the prior's grange at that place ; and (6) the cross on the bank of the stream at Cumwhinton. As was invariably the case in these special sanctuary grounds, no immunity was allowed to those whose offence was committed within the liberty. On the fugitive coming within the bounds of this asylum, he was expected to make his way at once to the conventional church, and there ring a bell. Eventually he had to take an oath before the priory bailiff of obedience to the ecclesiastical authorities of the liberty.

<sup>1</sup> Particulars as to this sanctuary are set forth in the *Register of the Priory of Wetherhal* which was edited by Archdeacon Prescott in 1897.

In 1292, three cases of taking sanctuary within this liberty came to the cognisance of the justices of assize at Alston, with the result that the privilege of the peace of Wetherhal was once again re-established. Andrew, son of Thomas of Warwick, having slain a man by a blow on the head with a club, fled to Wetherhal, and obtained the peace of the priory in accordance with ancient custom. In two other cases of manslaughter at the same assize, the felons also sought and obtained refuge at Wetherhal. In order to be assured as to the warrant by which this privilege was exercised, the justices summoned the abbot of St. Mary's, York, as well as the prior of Wetherhal, to make good their title. It was thereupon established to the satisfaction of the jurors in these cases, that the liberty of receiving felons within its jurisdiction had been possessed by the priory of Wetherhal from time immemorial, an oath having been first taken by such felons that they would conduct themselves well and not depart beyond the bounds.<sup>1</sup>

In 1342, Wetherhal was one of the four sanctuary places—the others being Beverley, Ripon, and Tynemouth—to whose grithmen Edward III. offered pardon on condition that they should go forth with his army to fight in Scotland.<sup>2</sup>

<sup>1</sup> Assize Rolls, Cumberland, No. 135, 20 Edw. I.

<sup>2</sup> *Rotuli Scotiæ* (Record Com.), i. 629. Owing to the name of this place being wrongly spelt "Wederdale" instead of "Wederhale," several writers have hitherto been puzzled as to the identity of this particular sanctuary.

WETHERHAL PRIORY.  
*(From a print, 1778.)*





## THE PRIORY OF ARMATHWAITE

In the parish of Ainstable, Cumberland, on a beautiful site near the junction of the Croylin with the Eden, stood a Benedictine nunnery of some repute. It is said to have been founded by William Rufus in 1089, and a remarkable charter of that king, cited and confirmed by Edward IV. in 1480, is entered on the Patent Rolls of that year. This charter is beyond all doubt fictitious in several of its details and terms, and is pronounced to be a "forgery" by the editors of the Calendars of the Patent Rolls. It was claimed in this charter that the king had granted to this priory, within the house and the lands adjoining, all the liberties that were enjoyed by the abbey of Westminster. Such a grant as this, if genuine, doubtless conferred on the priory full sanctuary rights.

Surprise has been expressed more than once of late years at the stupidity of the crown officials in not detecting the forgery, and righteous scorn expended on the nuns for making preposterous and baseless claims. But the facts and probabilities of the case put the matter in a very different light. This priory suffered most severely during the wars with Scotland in the first half of the fourteenth century. It also experienced most grievous losses in later years. Letters Patent of Edward IV., of the year 1473,

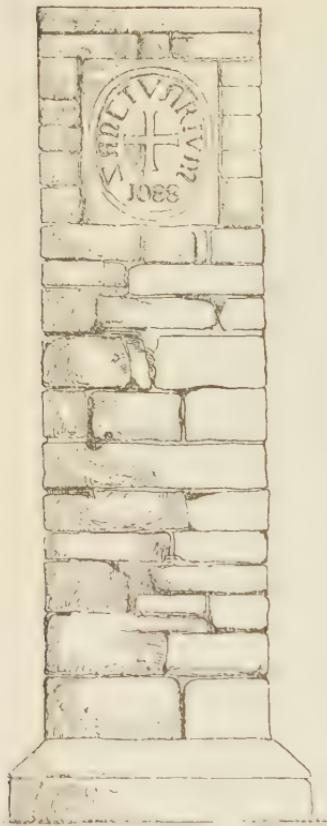
show that the prioress and convent of Armathwaite, described as of the foundation of his progenitors and under his patronage, had had their houses and enclosures destroyed by the Scots, and that they had been spoiled of their goods, relics, books, plate, charters and other muniments. Under these circumstances, the king confirmed the priory in all its former possessions, and particularly in an old enclosure called the “Nonne Close,” and the nuns undertook to pray for the good estate of the king, of Elizabeth his consort, and of Edward his son.

Seven years later, namely on 20th June, 1480, Isabel the prioress and her convent, who had lost the whole of their charters and deeds, presented a compilation of these rights and privileges, which they believed to have been theirs under the burnt muniments, assigning them to William Rufus. It is foolish under these circumstances, when the crown officials knew that the originals, by the priory's own pleadings, had been destroyed, to style this charter “a forgery” in the ordinary acceptance of the term, or to charge the nuns with “bolstering up their claims by a charter which was spurious on the face of it.” The Bishop of Carlisle was the priory's visitor, and the election of each superior had in turn to be confirmed by the diocesan and she herself instituted. The notion that these nuns invented and palmed off on the authorities of Church and State a fraudulent document is

simply ridiculous. More than one similar case is extant wherein the elaborate processes are recited of re-establishing the lost or destroyed charters of a religious house. A commission was appointed to take the evidence on oath of the general statements of the missing documents, including descriptions of the seals, by those who had seen and examined them, and there is no reason to doubt that a similar process was undertaken in 1480 in connection with the Armathwaite priory foundation charter before the result was entered on the Patent Roll.

The nuns were also in possession of a stone which substantiated their claim to special sanctuary privileges. This stone was carved with a cross, and round it the word "Sanctuarium" in characters of a style as old as the supposed foundation of the priory. On rising ground, to the north-east of the house, in a field still known as the "Cross Close," a pillar was built up about nine feet high, into the face of which the old stone was embedded. It is highly probable that this pillar was erected in 1480, and that the date 1088 in Arabic numerals (obviously cut at a different time to the lettering) was then added. A correspondent of the *Gentleman's Magazine* of 1755 drew attention to this pillar and stone and supplied a crude woodcut, and Dr. Samuel Pegge, the celebrated antiquary, contributed an explanatory statement. The same author, writing in the *Archæologia* (vol. viii.)

in 1785, on the "History of the Asylum or Sanctuary," considered that the sanctuary stone built into the pillar must have formed part of the frith-stool.



THE SANCTUARY CROSS,  
ARMATHWAITE.

*History of Cumberland.* The illustration here supplied is copied from a drawing made early in last century for Lysons' history of the county, but not used (B. Mus. Add. MS. 9462, f. 91).

For our own part we have no doubt that

It is, however, far more likely to have formed part of one of the several sanctuary boundary stones set up at the time when the original rights were granted, and replaced when these grants were re-established. It is difficult to imagine that the nuns and their advisers would have been so foolish as to erect this stone on an obtrusive pillar, if the claim was fictitious, as in doing so they would not only have exposed themselves to the ridicule and contempt of the whole district, but also to the severest ecclesiastical and civil penalties. An illustration of this stone is given in Hutchinson's

the priory was founded towards the close of the eleventh century, and that its original privileges included chartered sanctuary rights. It was, however, a small and uninfluential house, and its rights were ignored by the marauding Scots.<sup>1</sup>

#### THE CHURCH OF NORHAM

The church of Norham, on the mainland opposite Lindisfarne, is sometimes named as a chartered or special sanctuary. If it is true that St. Cuthbert's body was moved here from Lindisfarne, special sanctuary would doubtless have been its privilege during the period of its shelter in this church.

Reginald of Durham tells us that the church of Norham was founded before the days of St. Cuthbert. It was of much celebrity, and formerly bore the names of Sts. Peter, Cuthbert, and Ceolwulf. Egred, Bishop of Lindisfarne 831, rebuilt the church in Norham and translated there the body of St. Ceolwulf the king, giving to it its triple dedication. Here, too, according to Simeon of Durham, rested for a time the body of St. Cuthbert. The Conqueror gave the church and vill to the church of Durham.

In 1315 a commission was issued by the

<sup>1</sup> There is a good sketch of the history of the priory in vol. ii. of the *Victoria History of Cumberland* (1905), but we disagree *in toto* with the writer's remarks as to the forged charter and this pillar.

Bishop of Durham to the prior of Holy Island to enquire concerning a violation of sanctuary in the church of Norham by John Tyllok and three others, who took out of the church William le Spyder, of Berwick, and detained him in Norham castle, and to adjudge whatever penance they deserved. James Marley, of Wilton, by will of 1524, directed his "bonys to be beriede within the sanctuary grounde of the kirke of Sancte Cuthbert in Norham."<sup>1</sup> This sanctuary ground was, however, in all probability, only the churchyard.

<sup>1</sup> *Proceedings of Soc. of Antiq. of Newcastle*, 3rd series, vol. iii. 126, 129.

## CHAPTER VIII

### SANCTUARY AT BEAULIEU AND OTHER CISTERCIAN ABBEYS

Beaulieu Abbey—Case of William Wawe, 1427—John Colles, a fraudulent executor—Countess of Exeter and Queen Margaret at Beaulieu—Thomas Croft, the Wichwood Ranger, 1491—Perkin Warbeck, 1496–9—The Beaulieu Sanctuary Men at the suppression—General claim of Sanctuary by Cistercian Houses—Statute sanctioned by repeated papal authority—Letter of Archbishop Pecham—Remarkable case at Waverley Abbey—The Cheshire Abbey of Vale Royal—Tintern Abbey.

THE important Cistercian Abbey of Beaulieu, Hampshire, founded by King John in 1205, possessed special sanctuary privileges which were of much fame. These particular rights, which extended for an indefinite period and throughout a far wider area than the actual consecrated site, were granted by Pope Innocent III. over the whole of the immediately adjacent lands, which had been secured to the monks by the foundation charter of John. It stands to reason that there must have been some limitation to the number of those who were allowed to take up permanent domicile close to the monastic precincts. There do not appear to be any documents extant which define the customs of this sanctuary. Doubtless the fugitives were expected or compelled to work in some way or another under the abbot's orders.

But all details have to be left as a matter of conjecture. One of the earliest definite references to a case of sanctuary in connection with this abbey occurs in the year 1427, when the privy council of 17th May gave the Abbot of Beaulieu eight days wherein to produce evidence of his liberties and franchises, if any, which entitled him to retain at Beaulieu, William Wawe, who was described as a heretic and traitor, a common highwayman and public robber, a son of iniquity, and a spoiler of churches and nunneries. If Wawe was in reality a heretic, that in itself was sufficient to bar him from every kind of sanctuary right, either temporary or permanent. The information as to the outcome of this case is limited ; but it seems fairly clear that the abbot was unable to adduce sufficient evidence to justify him in retaining this miscreant at Beaulieu. At all events he was soon afterwards arrested outside any place of sanctuary, and, in the pithy words of the chronicler Stow, “Wille Wawe was hanged.”

In this same year, the Parliamentary Rolls make an interesting incidental reference to Beaulieu as a place of occasional refuge. John Colles of Huntington, an executor, was charged by his co-executors with having appropriated to his own use certain trust funds, and it was also alleged that he had conspired against the life of one of them in the expectation, as the third was an aged man, of himself becoming the surviving sole

executor. Evidence was given that Colles was a man in straitened circumstances; that he did not dare to live at large because of various malpractices, and therefore fled to privileged places and sanctuaries, such as Westminster and Beaulieu; and that he had no fixed residence wherein the common law could be enforced against him. Parliament itself was not strong enough to remove Colles from Beaulieu or other places with chartered privileges. But it was directed that he should be proclaimed, and that on his non-appearance the two other executors might act in their own name in all courts spiritual and temporal, and that any future executorial act of Colles' should be null and void.<sup>1</sup>

Beaulieu played a somewhat important part in the horrors of the Wars of the Roses. In the spring of 1471, when Neville, Earl of Warwick, was routed by the Yorkists at the battle of Barnet, his widow, who was at Portsmouth, fled for sanctuary to the abbey of Beaulieu. The sanctuary was able to protect her person, and afforded her suitable residence for fourteen years. All the property of her family, the Beauchamps, was confiscated, and it was not until the accession of Henry VII. in 1485, that the countess regained her liberty and title. The decisive battle of Barnet was fought on Easter Sunday, and on the same day Queen Margaret, who had been detained off the French coast for some weeks by

<sup>1</sup> Parliamentary Rolls, 6 Henry VI., p. 321.

adverse winds, landed at Plymouth with a force of French auxiliaries, after a tempestuous passage of seventeen days. No sooner had she landed, than a messenger arrived with the fatal intelligence, and she too with her young son hastened for refuge to Beaulieu. There, however, the Queen made but a short sojourn, for the Lancastrian lords who still remained faithful to her cause, persuaded Margaret to leave this asylum, conducted her to Bath, and there rallied a new army to fight under her banner. Soon afterwards, the Lancastrians were again defeated, after a desperate struggle, at Tewkesbury. Her young son Edward, Prince of Wales, was slain under dastardly circumstances, and the Queen was taken prisoner and thrown into confinement.

In 1491, Thomas Croft, ranger of the forest of Wichwood, Oxfordshire, accused of a "detestable murder," fled for sanctuary to Beaulieu, where his life was saved, but his lucrative office was forfeited.<sup>1</sup>

Beaulieu also played a part in the concluding days of that remarkable impostor, Perkin Warbeck, who gave himself out to be Richard of York, who was one of the two young princes smothered in the Tower, nine years before he preferred his imaginary claim in 1495. After various failures to arouse any genuine measure of support from the Yorkists in England, he availed himself of a rising in Cornwall, and landing at White Sand

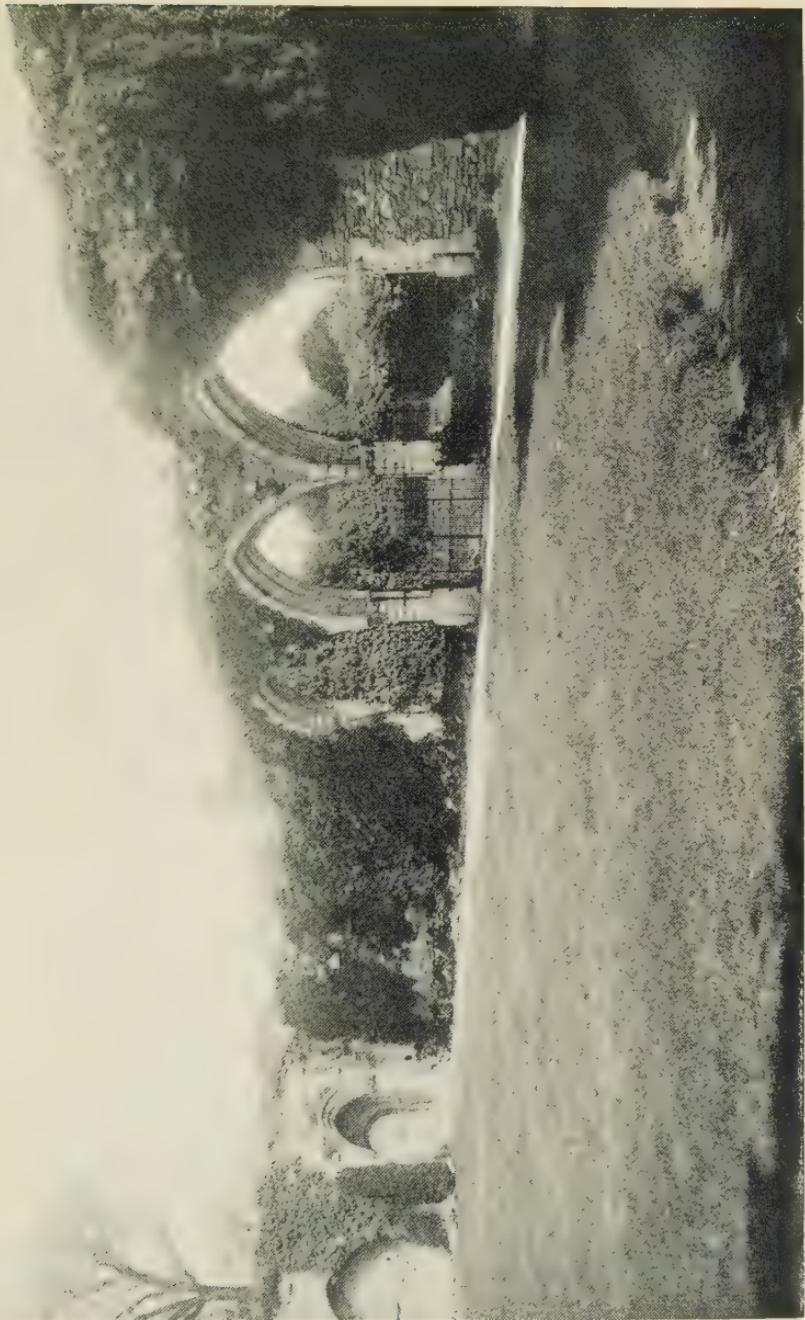
<sup>1</sup> Parliamentary Rolls, vol. vi. p. 441.

Bay, he rallied a number of the insurgents to make an attack upon Exeter. Hearing, however, that Henry VII. was approaching with a great host, Perkin lost heart, left his followers in the lurch, and, with two or three of his companions, rode off by night to Beaulieu, where they registered themselves as sanctuary men. A vain endeavour was made by the king's forces, both by sea and land, to hem him in before he could reach to privileged territory, but their efforts were vain. The sanctuary precincts were at once surrounded by a guard, and the king consulted his advisers whether he should offer Perkin his life if he left this city of refuge. The council were divided in opinion. Some advised that he should be taken out of sanctuary by force and put to death, for it was a debatable point whether the crime of high treason could claim shelter, and they felt confident that at any rate the Pope would be sufficiently tractable to ratify such action either by declaration or at least by indulgence. Others were of opinion that it would be best for the king to promise to preserve Perkin's life on surrender, for he might thereby be able to thoroughly satisfy the world concerning this imposture and to get to the bottom of the conspiracy. Henry accepted the latter advice, and the lives of Perkin and those who had taken refuge with him, were spared. The pretender was carried to London and entered the palace of Westminster in the king's train. He

was ordered to confine himself to the precincts of the palace, and was repeatedly under examination as to his parentage, his instructors, and his associates. Weary of this limited confinement, at the end of six months he managed to escape, intending to reach the sea-coast. But the alarm was given, all avenues to the coast were patrolled, and the fugitive in despair once more placed himself in sanctuary, though only of the usual limited kind, within the priory of Sheen (Richmond). The prior went to the king and besought him for Perkin's life, leaving all else to his discretion. Thereupon the impostor was placed for a day in the stocks at Westminster Hall, and on the following day in Cheapside, and on both occasions he was obliged to read to the people a confession as to his real parentage signed by his own hand. After this he was committed to the Tower, but in 1499 he was again detected in conspiring, and then, unable to escape again to claim sanctuary, he was hung in 1499.

With the suppression of the monasteries came the end of the historic sanctuary rights throughout what was termed "the great close of Beaulieu." The surrender of the abbey of Beaulieu to the crown was signed on 2nd April, 1538. On that day the commissioners, at whose head was the notorious Dr. Layton, wrote to Cromwell, the lord Privy Seal, stating that there were thirty-two sanctuary men there for debt,

BEAULIEU ABBEY. THE CLOISTERS.





felony, and murder, who had their houses and grounds where they lived with their wives and children. They declared that if sent to other sanctuaries they would be undone, and they desired to remain there for their lives, provided no more were admitted. The commissioner desired to know what was the king's pleasure. Thomas Stevens, the subservient ex-abbot, wrote about the same time to Thomas Wriothesley, afterwards earl of Southampton, to whom the site of the abbey had been granted, begging him to be a good master to the Beaulieu sanctuary men who were there for debt. He stated that they had been of honest lives whilst he was their governor, and it would be of no profit to the place if they were to leave, for their houses would yield no rent. Crayford, one of the sub-commissioners for the suppression of monasteries, also wrote to Wriothesley about the same time, asking for the king's protection for the "miserable debtors," stating that all the inhabitants of Beaulieu were sanctuary men, and urging the immediate departure of the murderers and felons as "hopeless" men. The upshot of the matter seems to have been that the debtors were allowed to tarry for their lives under protection at Beaulieu; and it also transpires that one Thomas Jaynes, who had slain a man at Christchurch, was granted a pardon.<sup>1</sup>

<sup>1</sup> *Letters and Papers, Henry VIII.*, xiii. (1), 668, 792, 796, 877, and 1309 (23).

Beaulieu stood by itself among Cistercian houses as a sanctuary of national repute, but the abbeys of this order in general claimed a complete right of permanent sanctuary, though not of late years exercised to any particular extent. Nor do any of them appear to have made in England, at any time, efforts to attract criminals or the persecuted, but rather contented themselves with sternly upholding their privileges when occasion arose. Probably if any strong or general attempt had been made in that direction it would have been resisted, for the Cistercian claims only rested on papal authority, whereas our English judges more than once held that the putting any permanent let or hindrance in the way of justice through sanctuary could only be based on royal charters.

The Cistercian privilege of not turning away any felon from their doors, or at all events of not giving up to justice any one who had once obtained admission to their precincts or even to their granges, was based on the following statute of their order, which received the confirmation of three twelfth century popes, namely Eugenius III., Celestine III., and Innocent III.

*Infra clausuras locorum seu grangiarum nostrarum, nullus violentiam vel rapinam seu furtum facere, ignem apponere, sanguinem fundere, hominem capere, spoliare, verberare, vel interficere, seu violentiam temere audeat excercere. Sed sint ipsa loca sicut atria Ecclesiarum ab omni pravorom incursu ac violentia auctoritate apostolica libera semper et quieta.*

Archbishop Pecham, in a letter to Robert Malet, of November, 1289, says: "To the crown belongs not only severity and rigor of justice, but still more mercy and pity. By which Holy Church, by the king's will, saves evildoers by sanctuary, by orders, and by the religious habit, as appears in the north country, where murderers, after their crime, betake themselves as converts to the great abbeys of the Cistercians and are safe."<sup>1</sup> The converts or *conversi* were the lay brothers of the Cistercian order, and from this letter it would appear that a criminal flying to one of these abbeys and proving himself penitent was admitted as a convert, and was thereby pledged to lifelong labour for the good of the convent.

The Cistercian houses always aimed at being self-contained, and the lay brothers and servants within the precincts followed a variety of trades such as weaving the cloth from the wool of their own sheep, and following the crafts of tailors and shoemakers, as well as engaging in every form of agriculture.

The annals of the famous Cistercian monastery of Waverley supply a striking illustration of the social life of the days of Henry III., and of the power wielded by the Church. At Easter-tide, 1240, a young man arrived at the abbey, by trade a shoemaker. He was apparently of devout life and was appointed to exercise his craft for

<sup>1</sup> *Registrum Johannis Pecham* (Rolls Series), iii. 995.

the good of the house. For some months he followed his trade as a shoemaker, peaceably and successfully; but on 8th August, a certain knight arrived with his followers for the purpose of arresting the young man on a charge of homicide. Notwithstanding the protests of the abbot and elder monks, who pleaded their privileges and stated that the whole of their precincts were as much a sanctuary as the very altars of the church, the young shoemaker was seized, carried off forcibly in bonds and committed to prison. Dismayed at this bold defiance of their undoubted rights, and foreseeing that acquiescence in this violation of their precincts might result in the loss of all distinction between places sacred and places secular, the monks agreed to suspend all celebrations in their church until redress had been obtained. The papal legate, Otho, was then in England, and the case was laid before him by the abbot. The legate, however, proved remiss in the matter, and the abbot proceeded to the king, with the complaint of grievous irreverence, and a demand for immediate restitution to them of the alleged offender. The king was inclined to grant the request, but the abbot's suit was opposed by the council, and he had to be content with a promise that his petition would be duly discussed on condition of his withdrawal of the interdict which he had laid upon his house. At length, after much trouble and persistence, Abbot Walter Giffard won the day, and it was

acknowledged that the enclosures of Cistercian abbeys and granges were exempt by papal authority from civil action, and that all persons violating the same were, *ipso facto*, excommunicated. Thereupon the prisoner was restored, and brought back to the abbey, and the violators of Holy Church, having been cited by the legate to appear at the gate of the monastery, there to make satisfaction to God and the abbot, were absolved, having previously been publicly scourged by the dean of the house and the vicar of Farnham.<sup>1</sup>

The foundation stone of the famous Cistercian abbey of Vale Royal, Cheshire, was laid by Edward I. in 1277, but the whole of the conventional buildings were not finished until 1330. The elaborate charter of the royal founder was held to cover definite immunity for fugitives from justice. This privilege aroused fierce opposition from the civil administrators of justice. Early in the reign of Edward II., a precept was issued to Richard Sutton and Urien de St. Pierre, in their office of serjeants of the peace, to arrest the abbot for receiving Ranulf Coynrel, robber, and other robbers; and also to arrest Walter de Childeston and John de Brecham, monks of the house, for receiving Robert Shrap and six others who were alleged to have taken part in a burglary at the house of John, the chaplain of Weverham. Coynrel's offence was the stealing of a tunic

<sup>1</sup> *Annales Monastici*, vol. ii. 325-7.

worth 40s. The serjeants, however, reported that the abbot and his monks kept within their limits, and that they were unable to effect these arrests without infringing the liberties of the Church. James, the bailiff of Weverham, appeared before the justices, and cited the exact terms of the charter of Edward I., whereby the monks were clearly entitled to offer and maintain a refuge for any in danger of life or limb. Moreover the king sent letters to Payn de Tybold, justice of Chester, enforcing the rightful sanctuary claims of the abbey, and ordering all such proceedings to be withdrawn.<sup>1</sup>

Of the fair abbey of Tintern, in the valley of the Wye, which also belonged to the Cistercians, Leland wrote, about 1535, "There was a sanctuary granted to Tinterne, but it hath not been used many a day."<sup>2</sup>

Some further information as to Cistercian sanctuaries will be found in a subsequent section under Wales and Ireland.

<sup>1</sup> Harl. MSS. 2064, f. 266. It is not a little curious to find Ormerod, the great historian of Cheshire, evidently ignorant of sanctuary rights, calling this incident "an infamous story."

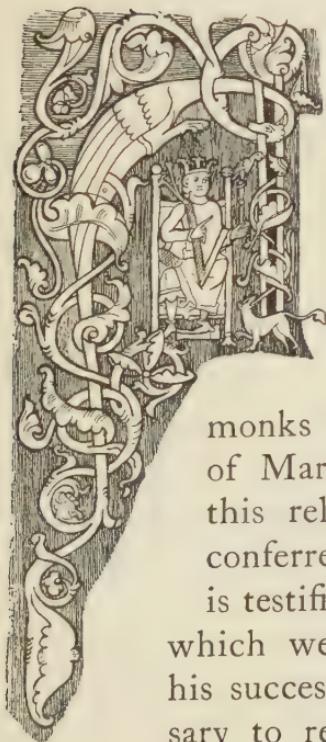
<sup>2</sup> Leland's *Collectanea*, i. 104.

## CHAPTER IX

### OTHER CHARTERED SANCTUARIES

Battle Abbey—Itinerant Sanctuary—The Abbey of Colchester—The Abbey of Ramsey—The Abbey of Croyland—The Abbey of Glastonbury—The Abbey of Gloucester—The Abbey of Bury St. Edmunds—The Liberty of Cuxham, Oxfordshire—The Church of Abbots Kerswell—The Priory of Leominster—The Cathedral Church of Lincoln—St. Hugh's claim of 1199—Sanctuary violation at Brackley—Sanctuary granted to the close of Lincoln—Pardon to canons of Lincoln for illegal claim.

#### BATTLE ABBEY



FTER the decisive battle of Hastings, the Conqueror, in fulfilment of a vow, began to build an abbey in honour of the Holy Trinity and St. Martin on the site of his great victory, known as Battle Abbey, which was supplied with Benedictine monks brought from the monastery of Marmoutier in Normandy. On this religious house the Conqueror conferred every possible privilege, as is testified in a succession of charters, which were confirmed by several of his successors. Here it is only necessary to refer to the special sanctuary

privileges conferred by charter, which in one respect were of a unique character. The Chronicle of Battle Abbey, a valuable vellum quarto, compiled in the latter part of the twelfth century, is preserved at the British Museum.<sup>1</sup> It was translated by Mr. M. A. Lower in 1851; the chronicle extends from the Norman invasion to the year 1176. The writer describes how the founder's first gift to the abbey was to endow it with the *Leuga*, or league of land lying round it, which extended from the abbey as a centre in every direction. The leuga, as the chronicler states, was 7920 feet, or a mile and a half in length; therefore the tract of country over which the abbey was absolutely supreme consisted of a circle three miles in diameter. "To the monastery he first granted and gave the Leuga lying around it, entirely free from all exaction and subjection by bishops, and from the domination and customs of earthly service of all other persons whatsoever, as is proved upon the testimony of his charters. . . . To this his abbey of St. Martin of Battle, by his royal authority he gave and granted the privilege of holding its own court, with royal liberties, and the right of negotiating its own affairs and the execution of justice. And if any person guilty of theft, manslaughter, or

<sup>1</sup> Cott. MSS., Dom., A. ii. The beautiful initial letter of this chapter is taken from the opening sentence of the Chronicle; it represents the Conqueror in his chair of state.

any other crime should, through fear of death, take refuge in this abbey (that is within the Leuga), he should receive no injury, but depart entirely free. And if the abbot should chance, anywhere throughout the realm of England, to meet any (capitally) condemned thief, robber, or other criminal, he should be at liberty to release him from punishment."

There is at least one instance on record in which an abbot of Battle claimed the princely privilege of pardoning a condemned criminal outside his own jurisdiction. It is stated that "in 1364 the abbot of Battle (Robert de Bello) going towards London, met a felon condemned to the gallows in the king's marshalsea, and in virtue of his prerogative, liberated him from death. And although the king and other magnates took much offence at the act, yet, upon plea, he had his charter confirmed."<sup>1</sup>

#### THE ABBEY OF COLCHESTER

On 14th May, 1453, Henry VI. granted letters patent to Abbot William Audeley of Colchester, and his convent confirming the first royal charter of the year 1109, and all privileges belonging to the house, making particular reference to the rights pertaining to the abbey of granting immunity of life and limb to any

<sup>1</sup> Lower's *Battle Abbey Chronicle*, 204.

one whatever flying thither for sanctuary, from whatever place and of whatever condition. The letters then proceed to state that in consequence of disputes and strifes, and at the prayer of the abbot and his monks, the exact extent of the precincts of the church and house within which sanctuary held good was hereby declared. The bounds were from the lane called Hollane to the east of the church, near the Barbican ; thence to the corner of the wall enclosing the abbey on the south side, to the corner of the wall on the west side ; thence through the style called Courtstyle, to the end of the lane called Loderslane, on the north side of the church ; and thence through the margin or northern extremity of the field called “ Seint-johnsgrene ” to the place where the perambulation began. These were to be the bounds of the Colchester sanctuary for ever, within which justices, escheators and all ministers of the crown were never to enter. For the obtaining of these authoritative bounds, the convent paid a fee of 20*s.*<sup>1</sup>

In December, 1454, Thomas Fuller of Halstead, weaver, fled to the sanctuary of this abbey to avoid arrest for debt, at the plea of Henry Viscount Bourchier, for £49, 10*s.* 4*d.* ; the bailiffs of Colchester, by order of the county sheriff, caused proclamation to be made each week for five successive weeks at the gate of

<sup>1</sup> Pat. Rot., 31 Henry VI., pt. ii., m. 25.



THE GATEWAY, COLCHESTER ABBEY.



the abbey that Fuller was to attend before the justices at Westminster.<sup>1</sup>

This action was in accordance with the Statute of 1379 to check debtors fraudulently resorting to sanctuary (pp. 21-2).

#### THE ABBEY OF RAMSEY

The chartulary of the ancient Benedictine monastery of Ramsey is preserved at the Public Record Office.<sup>2</sup> The charter of foundation by King Edgar of 974, therein set forth, states that, with the advice and at the admonition of his venerable friends Archbishops Dunstan and Oswald, he ordained that any one accused of treason or of any other offence flying to this place was to be held safe in life and limb. A charter of inspection and confirmation, granted to the abbey by Edward III. in 1334, recites a charter of Edward the Confessor strongly corroborative of that of the founder relative to sanctuary, wherein it is laid down that "any fugitive from any place or for any cause, and of whatsoever condition, seeking refuge in this holy place or its precincts is to have immunity of life and limb."

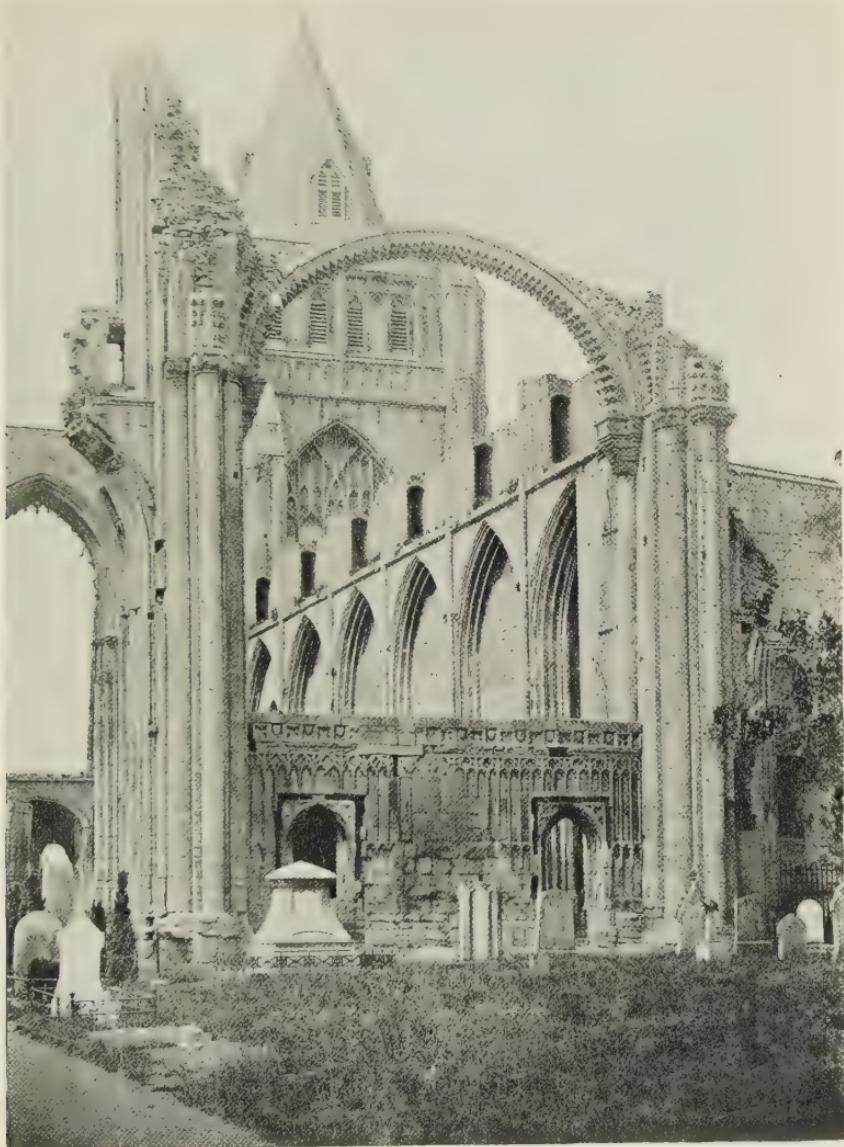
Under date of July, 1311, this chartulary contains an entry relative to the chattels of

<sup>1</sup> *Colchester Red Book*, 56-7.

<sup>2</sup> Printed in three vols. (1884-1893) in the *Chronicles and Memorials* series.

Thomas de Pontesbury, rector of the church of Cranfield, Bedfordshire. In the year 1292 Thomas fled to the church of Cranfield, of which he was parson, in consequence of certain felonies proved against him before the king's justices at Bedford, and for which he was about to be put into gaol. His chattels, valued at £24, 14s. 11d., were thereupon confiscated to the crown, and put for the time in the custody of the vill of Cranfield by the coroner and sheriff. But meanwhile the king had granted the chattels of the fugitive rector, who had apparently abjured the realm, to the Master and Brethren of St. Catherine's Hospital without the Tower of London. Thence arose considerable pecuniary strife and confusion, which was actually not settled until January, 1332-3, that is to say forty years after the forfeiture had been made! The reason for these dilatory proceedings being entered at length in this chartulary is that the manor of Cranfield belonged to the monks of Ramsey; it was one of their most valuable possessions, being returned at the time of the dissolution as worth over £69 a year.

In 1235, according to the Close Rolls, the servants of the abbot of Ramsey were themselves guilty of a gross violation of sanctuary. In that year the abbot sent one Richard de Chester, in custody of two of his servants, to the king's gaol at Newgate. But it appeared that Richard had previously been in the abbot's



CROWLAND ABBEY.



gaol, from which he had managed to escape, flying for refuge into the conventional church of Ramsey. From thence these two servants had violently dragged him, and then by the abbot's orders taken him to Newgate. The crown, however, intervened and ordered the sheriffs of London to release him, and to cause William and Andrew, the monastery servants, to take him back to Ramsey and replace him in the church.

#### THE ABBEY OF CROYLAND

The celebrated abbey of Croyland, said to have been founded by Ethelbald on the swampy island long the retreat of St. Guthlac, is sometimes cited as a place in possession of chartered rights of sanctuary. But the authority for this is only to be found in the chronicles of this Benedictine house purporting to have been written by one Ingulf; wherein is set forth, with much detail, after a somewhat bombastic fashion, the *Historia Croylandensis*, from its foundation in 716 down to about 1095. All modern scholars now admit that this chronicle is but an historical romance, and the whole of the charters quoted therein can be shown to be fictitious, though probably containing some germs of truth. For instance, the elaborate charter of Wiglaf king of Mercia, supposed to have been sealed at London on 26th May, 833, is testified by a cloud of witnesses. But of the ten bishops who

subscribe, only two were living at the date specified ; the large majority of the abbots, priests, and laymen who subscribe are also equally impossible. This clumsily forged charter attributed to Wiglaf is the only “ authority ” for the supposed sanctuary rights. It is, however, worth while giving an abstract of this part of the charter, for it shows what was in the mind of the compiler of “ Ingulf,” at the close of the eleventh century, as likely to be the nature of such a privilege. The feigned charter of Wiglaf provides that any one throughout Mercia, who had committed any kind of offence or was in any way obnoxious to the law, flying to the monastery, invoking the aid of St. Guthlac, and swearing before the abbot perpetual fidelity and service, was to be held safe and secure under the protection of the abbot and his monks, so long as he remained within the closely defined limits of the island of Croyland. Any one daring to violate this sanctuary was to lose his right foot ; but a fugitive trespassing outside the bounds was at once liable to loss of life or limb or to any other penalty that he might have incurred.

#### THE ABBEY OF GLASTONBURY

In an elaborate charter granted by King Edgar to the abbey in 971, additions are made to the privileges granted by his father King Edmund. The most exceptional of these was

ST. JOSEPH'S CHAPEL, GLASTONBURY.  
(From a print, 1813.)





one that made not only the abbot, but every professed monk of the house, an itinerant sanctuary. For if the abbot or any Glastonbury monk should chance when on a journey to meet a thief being led out for execution, or any one else in danger of death at the hands of the law in any part of the kingdom, he had the power of granting him pardon:

There is no doubt that the precincts of this, the most ancient, the most famous, and the most hallowed of all England's abbeys, were always regarded as immune from all outside jurisdiction, though it was difficult to produce the express terms of any charter granting definite sanctuary. The leading legal authorities of England considered Glastonbury sanctuary as well established beyond the need of argument in the celebrated case of St. Martin's le Grand in 1440 (p. 86). The Somersetshire Assize Roll of 1243, subsequently cited, records the case of the flight of a felon to "the liberty of Glastonbury."

#### THE ABBEY OF GLOUCESTER

A petition was presented to Parliament in 1485 by Sir William Brandon, late Marshall of the Marshalsey of the King's Bench, appointed thereto for life by the late Duke of Norfolk as Marshall of England. He stated that he had been put so in dread of his life by "Richard late in dede but not of right King of England the

III<sup>d</sup>" that he was fain, for salvation of his life, to take tuition and privilege of the sanctuary of Gloucester, abiding therein from Michaelmas, 1484, until the accession of Henry VII. in August, 1485. During that time he did not dare to come out of sanctuary to occupy his office in the court of King's Bench, nor did any deputy dare to act for him. He prayed that he might be restored to office, and the answer of parliament was *Soit fait come il est desire.*

#### THE ABBEY OF BURY ST. EDMUNDS

The precincts of this great Benedictine abbey were immune from every kind of civil interference, and therefore afforded a permanent sanctuary to those fugitives whom the abbot and his convent were willing to provide for beyond the customary period. The "extorted charter" of 1327, gained by the townsmen, includes this interesting passage : "At the same time we will and grant, that if any man in the town commit a felony, and cannot get to the entrance into the monastery, he may go to the Standard which is appointed for this purpose, and if he can clasp the said Standard, that then he be as completely safe, as if he had been admitted into the church, until he can gain admission to that church."<sup>1</sup>

The wife of Hubert de Burgh, the great

<sup>1</sup> Arnold's *Memorials of St. Edmund's Abbey*, iii. 315.

justiciar, was in sanctuary in this abbey in 1233 (p. 41).

## THE SANCTUARY OF CULHAM, OXFORDSHIRE

The famous Benedictine Abbey of Abingdon of ancient foundation was endowed, in 801, by King Kenulf, with the vill of Culham, on the Oxfordshire side of the Thames, about  $3\frac{1}{2}$  miles to the south-east of the monastery. Culham, according to the original charter, which received papal confirmation, was to be held by the abbey in absolute freedom from any kind of ordinary jurisdiction ecclesiastical or civil; the abbot was to have sole rule without any interference from either the ministers of the king or the officials of the bishop. In Kenulf's full charter of benefactions, of the year 821, Culham is named first of a large number of places held by the abbey. This gift was specially renewed and confirmed by King Edmund in 940, who in his charter describes Culham, with its fifteen houses, as a place free from every worldly obstacle. The precise bounds of Culham were set forth at this latter date; it is surrounded by the Thames on three sides, and the parish now contains about 2000 acres. Probably the vill and manor of Culham was about conterminous with the present parish. The interpretation put upon the charter of Kenulf was that it conferred the right of sanctuary throughout its limits,

though not stated so in explicit terms, and this is doubtless the reason why the *Metæ de Culham* were set forth in the Saxon tongue in the old chartularies, whilst there are no similar entries with regard to the other lands of the monastery.<sup>1</sup>

It is interesting to note that, when the abbey of Abingdon was swept away and its possessions ravaged and spoilt during the fierce raid of the Danes in the tenth century, Culham was the one part of their landed possessions which was left at peace. The reason is not set forth by the chronicler, but there can be little doubt that it was in consequence of the respect shown to its sanctuary rights.<sup>2</sup>

Complaint was made to Parliament in 1393, that the Abbot of St. John of Colchester, and the Abbot of Abingdon, in the vill of Culham, Oxfordshire, were in the habit of enforcing the same privilege of sanctuary as the church of Westminster, namely immunity for all manner of men coming and flying within the precincts for debt, detenue, trespass, and all other personal actions, and that they suffered no bailiff, coroner, or other minister of the crown, to perform their duties therein, in execution of the laws. The abbots were ordered to appear, and produce their warrants for such privileges.<sup>3</sup> It is quite obvious, from subsequent events, that

<sup>1</sup> *Chronicle of Abingdon* (Rolls Series), vol. i. pp. 19, 24, 26, 92-3.

<sup>2</sup> *Ibid.*, vol. ii. 276.

<sup>3</sup> *Parliamentary Rolls*, vol. iii. 320.



CULHAM VILLAGE, OXFORDSHIRE.



both these abbots were able to substantiate their claims.

Holinshed's *Chronicles*,<sup>1</sup> under the year 1486, when describing Lord Lovell's rebellion state that :—

“Sir Humfreie Stafford, also, hearing what had happened to the lord Lovell, in great displeasure and sorrowe, . . . in like manner fled, and tooke sanctuarie at Colnham, a village not past two miles from Abindon. But because that sanctuarie was not a sufficient defense (as was proved before the justices of the Kings Bench) for traitours, he was taken from that place and brought to the Tower, and after put to execution at Tiborne.”

The monks of Abingdon had a large grange and abundance of all kinds of farm buildings at Culham, which would doubtless afford shelter for fugitives who would be expected to give free service to the officials. Culham was the most fruitful possession of the Abingdon monastery ; it brought in about £70 a year at the time of the dissolution. There was a stipendiary chaplain at the grange, and the farm servants included a cowherd, swineherd, shepherd and blacksmith. There was a good stock of sheep and pigs, also a vineyard and a rabbit warren.<sup>2</sup>

<sup>1</sup> Vol. iii. p. 764.

<sup>2</sup> *Accounts of the Obedientiars of Abingdon Abbey.*

## THE CHURCH OF ABBOTS KERSWELL

A most singular and exceptional case of prolonged sanctuary is on record, in the early years of Henry III., in connection with a Devonshire church, which did not apparently possess any chartered privileges. In 1232 the king granted permission to the abbot of Sherborne to take out of sanctuary from the church of Abbots Kerswell, where he had been for the last eight and a half years, one Richard, a deaf and dumb man, where he had fled in consequence of having caused the death of John Baldwin. The abbot was allowed to take the mute out of that church, and to lodge and provide for him during life at the abbey of Sherborne ; he was not to go outside the precincts. Information of this permission of removal was at the same time sent to the sheriff of Devonshire.<sup>1</sup> Kerswell, near Newton Abbot, was one of the most important possessions of the abbots of Sherborne ; they held both the rectory and manor.

## THE PRIORY OF LEOMINSTER

The important priory of Leominster, a cell of the great Benedictine abbey of Reading, is included in lists of chartered sanctuaries by the late Prebendary Mackenzie Walcott and others ;

<sup>1</sup> *Close Rolls*, 16 Hen. III., m. 14.

but we have failed to find any authority for such an assertion. It seems that the priory church of Leominster had the same right of sanctuary for forty days as was claimed by every consecrated church throughout England. In one respect, however, it differed from the ordinary parish church. The Abbot of Reading exercised particular jurisdiction, through the prior, over the whole town of Leominster, and in the case of a fugitive desiring to abjure the realm no county coroner could obtain admission. Thus in the reign of Henry III., Alan Bubbe slew Hugh son of Hildeburgh and fled into the church and abjured the kingdom in the presence of the bailiff of the Lord Abbot. The twelve jurors say that no coroner of the king ought to come or to interfere where any one has fled into the church and abjured the realm, but the bailiffs of the Lord Abbot only.<sup>1</sup>

#### THE CATHEDRAL OF LINCOLN

A highly interesting incident occurred in the life of St. Hugh, Bishop of Lincoln. In the spring of 1199, when he was setting out for Normandy, as he was passing through the lands of St. Alban's abbey, the bishop met with a crowd of officials who were conducting a condemned thief, with his hands tied behind his back, to the gallows. As the crowd approached

<sup>1</sup> Townsend's *History of Leominster*, 17-18. As to this priory, see also a reference under Episcopal Registers in this work (p. 248).

to receive the episcopal benediction, the culprit flung himself at the feet of the bishop's horse crying for mercy. Hugh bade the officers surrender to him the criminal and tell the condemning judges that the bishop had taken him away. Subsequently Hugh most ingeniously pleaded with the judges, who readily enough admitted the right of sanctuary pertaining to a church, that wherever there was a bishop in company with the faithful there was also the church, and therefore to a bishop with his retinue belonged the church's privilege of being a source of immunity to all in danger. The judges, according to the ancient life of the saint, admitted the force of this argument, and called to mind that this privilege was expressly allowed by the ancient laws of England, though lost sight of through the sloth of modern prelates or the tyranny of princes ; they therefore sanctioned this episcopal rescue of the criminal, and left it to the bishop to see that they incurred no peril with the king.<sup>1</sup>

A similar instance of the rescue of a condemned felon is recorded of an abbot of Battle in the reign of Edward III., where it is said that the king and magnates were grievously offended, but that the abbot produced his charters of liberties before the parliament, and established his right to such a rescue.

<sup>1</sup> *Vita S. Hugonis Lincolniensis*, lib. v. cap. 9.

<sup>2</sup> *Adam Murimuth*, p. 129.

St. Hugh, though an exceptionally merciful man of his time, was most severe towards those who violated the church's sanctuary privileges. In the year 1200, a bailiff of the Earl of Leicester resident at Brackley, Northamptonshire, took out of the church of that town a fugitive thief, who had sought sanctuary, and hung him. Northamptonshire at that time was within the diocese of Lincoln. The bishop was across the seas, but immediately on his return Hugh excommunicated the bailiff and his accomplices. The others submitted themselves to the discipline of the church, but the bailiff fled to his lord who was in Normandy. The accomplices ere they could obtain remission of excommunication had to undergo severe and remarkable punishment. Stripped of all save their drawers, and with bare heads and feet, they were obliged to proceed to the foot of the gallows where the man had been hung, dig up the corpse, and carry the decaying body on their naked shoulders for nearly a mile to the church of Brackley whence he had been taken, and to bear it round the church being scourged meanwhile by the ministers, and then give it honourable burial. Nor were their troubles yet at an end, for these offenders had afterwards to walk barefoot to the far-distant Lincoln, and there to be scourged before each church of that city. Moreover they had to undergo all this penance during the cold of a severe winter season. Meanwhile

the bailiff met with no sympathy from the Earl of Leicester, who dismissed him from his service, but at length he sought out the bishop when the latter was on the continent, and he was awarded seven years' penance.<sup>1</sup>

Henry de Burghersh, Bishop of Lincoln, procured from Edward III., at the time when he was chancellor, extended rights of sanctuary, whereby fugitives were to enjoy the same immunities that pertained to them within the cathedral church, if they gained the shelter of the bishop's palace or the houses of the canons round the close, or the cemetery that extended up to these houses.<sup>2</sup>

According to the Patent Rolls (17 Edw. III., pt. i. m. 23), pardon was granted by the crown, in May, 1343, at the request of the Archbishop of Canterbury, and out of consideration for William de Norwich, Dean of Lincoln, to the dean's proctor, Richard de Pulham; he had with others, taken from the bailiffs and ministers of the sheriff of Lincoln, against their will, Little John, sometime servant of John de Multan, and Thomas de Bernelay, then in a cart, bound, to undergo the sentence of hanging to which they had been adjudged. Pardon was also granted to him for the escape of the said Thomas from the cathedral church of Lincoln, to which he and

<sup>1</sup> *Vita S. Hugonis*, lib. v. cap. 13.

<sup>2</sup> Schalby's *Lives of the Bishops of Lincoln* (Appendix to vol. vii. of Chron. and Mem. ed. of Giraldus Cambrensis).

LINCOLN CATHEDRAL, S.W.  
(From a print, c. 1825.)





Little John were taken for sanctuary by the said Richard and others. At the same time pardon was granted in similar terms to the following—Peter de Dalderby, canon of Lincoln, and his yeoman, Walter de Stauren, canon of Lincoln, and Robert de Landon, chaplain and penitentiary, and three vicars of the same cathedral church; also the rectors of St. Peter at Arches, Lincoln, Croxton and Blankney, as well as several chaplains, and William de Carleton, “fisshere.”

## CHAPTER X

### TWO CORNISH SANCTUARIES

St. Buryan or Buriana—Athelstan's vow when conquering Cornwall, 936—Leland's account—The case of Ivo Texton, 1278—The building termed “Sanctuary” at Boslivan—Numerous ancient crosses in the parish—Date of crosses with Our Lord in short tunic—Sanctuary of Padstow or Petrockstow, founded by Athelstan—St. Petrock—Various crosses—Aldestowe, the usual mediæval name—Assize Rolls of 1283—Many fugitives to the sanctuary and port of Padstow—Jurisdiction of Prior of Bodmin—Case of Richard de Pentenyn.

#### THE SANCTUARY OF ST. BURYAN

ST. BURYAN, nowadays commonly called Buryan, is a large parish at the western extremity of Cornwall, which, with its dependent parishes of St. Levan and St. Sennen, for many centuries formed a deanery under special jurisdiction as a royal peculiar. The church of Buryan was founded and endowed by King Athelstan about the year 936, when he had conquered the Scilly Isles and made all Cornwall tributary to his rule. There is much confusion, as is the case with so many of the Cornish saints, with regard to St. Buryan or St. Buriana. She is usually placed in the sixth century and claimed as a king's daughter; probably she is identical with Bruinet mentioned by Leland, and with

“Bruinsech the slender,” named in the martyrology of Donegal.<sup>1</sup>

The foundation of this important church is attributed to a vow by Athelstan at the oratory or chapel of St. Buryan before he set sail for the Scilly Isles. It was founded as a collegiate church for canons, with a dean and three prebendaries. As might naturally be expected from what Athelstan did for Beverley and other great minsters in the north of England, this king conferred on the church and precincts of St. Buryan chartered sanctuary privileges, which involved the permanent residence of fugitives under certain conditions. The immunity bounds probably extended for a radius of a *leuga*, or an approximate mile and a half, round the central church.

In the invaluable *Itinerary* of Leland, the eminent antiquary of Henry VIII.’s days, there are two entries relative to this place.

“King Ethelstane, founder of S. Burien’s College, and giver of the privileges and sanctuarie to it. S. Buriana, an holy woman of Ireland, sometyme dwelled in this place, and there made an oratory. King Ethelstane goyng hens, as it is said, onto Sylley, and returning, made ex voto a College wher the Oratorie was.”

“There lyith betwixt the sowth west and Newlyn a myle or more off the se, S. Buryens, a sanctuary, whereby, as nere to the chyrch, be

<sup>1</sup> Borlase’s *Age of the Saints* (1893), 71-2.

not above viii dwellyng houses. Ther longeth to S. Buryens a deane and a few prebendarys that almost be nether ther. And S. Buryens ys a iiiij myles fro the very sowth west poynt."

The references to this Cornish sanctuary are scanty, but there is one of much interest in the year 1278, which establishes the fact that ordinary legal processes did not run within the liberty. In that year a petition was presented to Parliament by Ivo Texton, who had married a serf of John de Kirkeby, rector of St. Buryan, and had dwelt with his wife more than half a year within the sanctuary limits. But William de Monketon, sheriff of Cornwall, ordered him to be arrested and brought before him because he had withdrawn himself from the decennary<sup>1</sup> to which he had previously belonged, and caused him to be warded by those of the four adjacent decennaries for two months, so that he dared not issue forth for fear of imprisonment. Afterwards the sheriff had caused him, through Colin, his clerk of the hundred, to be detained in the church and liberty of St. Buryan, where a secular court was never held, and then, in spite of the protest of the rector's proctor, caused Ivo to be arrested and fined, and compelled him to enter his old decennary ; he also caused William, the provost of that district, to be fined for allowing him to leave for a foreign court.

<sup>1</sup> Decenna or decennary was the name for the ancient combination of ten vills for the maintenance of the king's peace.

It was to be known that all, in times past, within the liberty of St. Buryan were accustomed to appear solely before the bailiffs of the church, save in the case of pleas of the crown before the king's justices.<sup>1</sup>

In Lysons' *Cornwall*, published in 1814, it is stated that there was an ancient building in this parish on an estate called Boslivan, of which the ivy-covered walls were then about twelve feet high, which was said to have been the sanctuary and was held in much veneration. But this was a baseless idea, and the building, which stood about a mile to the east of the church, was probably only a large chapel. *The Complete Parochial History of Cornwall*, published in 1867, mentions the remains of this building, still called the sanctuary. Near it stands an ancient cross.

It is not a little surprising that it does not appear to have occurred to those who have given so much attention to the subject of the numerous ancient stone crosses of Cornwall, to suggest that some of those in this parish were probably marks of sanctuary bounds. Mr. A. G. Langdon, in his thorough work on this subject, enumerates thirteen old crosses within this parish and two cross-bases. This is a considerably larger number than is to be found in any other parish of the county, and for our own part we have little or no doubt that several of those

<sup>1</sup> *Parliamentary Rolls*, vol. i. p. 14.

still standing mark the sites of old sanctuary bounds.

Five of the crosses in this parish bear rude figures of Our Crucified Lord. The one at Boskenna stands at the meeting of three roads, about a mile and a half south-east of St. Buryan church-town ; the whole monument stands 6 ft. 10 in. high, but the actual cross, with Our Lord



ANCIENT CROSS, SANCTUARY OF ST. BURYAN.

in a short tunic, is only 2 ft. 4 in. The cross of Trevorgans stands about half a mile north-west of the church-town by the side of the road to St. Just. Chyoone cross is on the side of the road leading to Boskenna, about a mile south-west of the church-town ; it is of rude execution and originally stood much higher. In the actual churchyard of St. Buryan stands a four-holed cross on a great base of five granite steps ; Our Lord wears a tunic and has a nimbus ; the greater part of the shaft of the cross is missing.

In the church-town, in the midst of the meeting of three roads, a few yards to the south of the churchyard, stands another ancient cross, on a succession of great granite steps, with Our Lord in a tunic.<sup>1</sup> It is difficult to resist the belief that at least all these crosses showing the Crucifixion had some particular connection with the ancient sanctuary. As it was founded by Athelstan, it may reasonably be supposed that this sanctuary, like all those of his founding round northern shrines, had gradations of sanctity attached to it, and this last named cross of the church-town would probably mark the second stage where the penalty of infringing the peace of St. Buriana was doubled. Then would come the churchyard or actual precincts with its own churchyard cross ; the fourth stage would be the nave of the church ; the fifth, the quire ; and the sixth the actual shrine of the saint, for the college was founded on the site where she had been buried, and for infringement of this no money payment sufficed, in the ancient days, but the penalty was apparently death.

It is not intended to suggest that all these crosses, at St. Buryan and elsewhere, representing Our Crucified Lord in a tunic were necessarily constructed in the days of Athelstan, for some may be of a distinctly earlier date ; old crosses might have been moved to mark sanctuary

<sup>1</sup> *Old Cornish Crosses* (1896), by A. G. Langdon, pp. xxiii, 38, 125, 127-8, 189, 210.

boundaries, as is supposed to have been the case at Tynemouth and other northern sanctuaries. At all events these particular crosses cannot be older than the close of the seventh century. The Agnus Dei was the original way of signifying Christ in early Christian sculpture. It was not until the holding of the Quinisext Council of Constantinople in A.D. 683 that the substitution of the actual figure of the Saviour for the symbolic Lamb was permitted. It was then decreed as follows :—“ We pronounce that the form of Him who taketh away the sin of the world, the Lamb of Christ our Lord, be set up in human shape on images henceforth, instead of the Lamb formerly used.”<sup>1</sup>

#### THE SANCTUARY OF PADSTOW

The sanctuary of Padstow, the name is a corruption of Petrockstow, seems to be almost entirely forgotten by modern writers. Nevertheless it was evidently one of great importance in the west of England in mediæval days, and was of much more fame among the criminal classes or those likely to require special sanctuary than was the case with the more remote sanctuary of St. Buryan at the extremity of the county. Like that of St. Buryan, it owed its origin to King Athelstan, the great founder of our English chartered sanctuaries.

<sup>1</sup> Romilly Allen's *Christian Symbolism*, 179.

Leland, writing in 1533, after describing Padstow "as a good quick fischar town but onclenly kept," says :—"This town is auncient, bearing the name of Lodenek in Cornische, and yn Englisch, after the trew and old writinges, Adelstow, Latine *Athelstani locus*. And the toune there takith King Adelstane for the chief gever of priveleges unto it."

St. Petrock, called by Fuller "the captain of the Cornish saints," is said to have been of royal Welsh blood. After many years of study in Ireland, he sailed up the estuary of the canal and landed at Padstow, where he established a monastery, making it the centre of his missionary labours. Here he died and was buried in 564. Owing to the frequent raids made by the Saxons and Danes on the shores of this creek, the monks of Padstow (the old Celtic name for which signified the creek of robbers) were frequently harassed, and at last they left their quarters carrying with them the body of their saintly founder, and established themselves at Bodmin. The complete destruction of the Padstow monastery was effected in 997.

Traces of early Christianity are to be found in Padstow itself, as well as in the surrounding district, in the shape of ancient crosses. There are considerable remains of what was once an exceptionally fine and lofty churchyard cross, close to the entrance at the south-east angle of the churchyard of the parish church, which is

dedicated to St. Petrock. This base and fragments of the shaft were found when digging a grave in 1869. Mr. Langdon (*Old Cornish Crosses*) considers the front of the shaft to be "a

splendid example of interlaced work formed out of eight-cord plait-work." On the east side of the churchyard is the site of the old vicarage, and in the garden wall there is built up the well-carved head of a small four-holed cross. But by far the finest of the Padstow crosses stands in the grounds of Prideaux Place, which is situated about a quarter of a mile west of the parish church, and is traditionally stated to occupy the site of the ancient monastery. It

ANCIENT CROSS, PRIDEAUX PLACE,  
PADSTOW.

consists of a very fine four-holed head, and a considerable part of the shaft, standing on a modern base.

A like tradition prevails at Padstow as at St. Buryan to the effect that Athelstan made a vow here, before his fleet set sail for the subduing of



the Scilly Isles, to establish special privileges around the original site of St. Petrock's burial, in the event of success. It does not seem possible to glean from any early charters or authorities definite information as to the extent of the chartered sanctuary rights granted to the church of St. Petrock by Athelstan, but it was probably, following other examples, a *leuga* or a mile and a half from the church in all available directions. The sanctuary rights at a later date were said to embrace the whole of the "liberty" of Padstow, but whether this was more or less than the manor of Padstow, of which the priors of Bodmin were lords, cannot now be ascertained. The present parish of Padstow embraces upwards of 3000 acres of land, exclusive of foreshore and tidal waters.

The only place in which we have succeeded in obtaining definite information as to this sanctuary is in the few surviving Assize Rolls of the county of Cornwall which are stored at the Public Record Office. For the year 1283-4, the exceptionally full rolls record sixteen instances of sanctuary seekers in the church of St. Petrock. Moreover in several instances, various offenders are named in the same entry; thus in one case Roger de Oxenford and Margery his wife, as well as another married couple, are registered as being engaged in the selfsame robbery. It need not, however, be supposed that all or even the greater part of these sanctuary seekers came to Padstow

because of the special or permanent privileges granted to fugitives by Athelstan and confirmed by later charters. The chief reason why those who had committed felony in various parts of Cornwall and Devon came to Padstow would doubtless be because it was a busy port and was in fairly constant communication not only with Wales and Ireland but with Brittany and Normandy. There would therefore be no long tarrying here for a ship after the oath of abjuration had been taken, and above all the misery and shame of a considerable pilgrimage from parish to parish to gain a port would be avoided. It was only a few yards' walk from the churchyard gates of St. Petrock's church to the quayside.

It comes out clearly from the one or two longer entries on the Assize Rolls as to these Padstow fugitives that the county coroner was not permitted to question any who had sought refuge within the liberty of Padstow, or indeed for any other purpose, for it is expressly stated that the manor belonged to the prior of Bodmin and that jurisdiction was in his hands. This jurisdiction probably, as elsewhere, enabled him to accept as permanent residents, or for as long as they pleased, those flying from civil justice, provided they behaved themselves well and yielded due obedience to the church authorities. In fact they would be in the same position as the grithmen of Beverley, Durham, and

other northern chartered sanctuaries. It was only when outsiders, or those who were resident sanctuary men but desired to leave the country, put themselves in the church and called for the coroner, that that county and crown official was suffered to enter the liberty. The Prior of Bodmin had no power to secure a free passage to France or elsewhere; the oath of abjuration, with its sequel of a sea voyage, could only be administered by the coroner.

In one instance it is stated that the fugitive had placed himself in the church for two months before the coroner arrived to enable him to abjure the realm. In another case, it is entered that Richard de Pentenyn placed himself in the church of St. Petrock of Aldestowe, and before John de Trenton, the coroner, confessed that he was a robber and guilty of many robberies, and abjured the realm. He had no chattels. And it was testified before the jurors that Richard, with others, who had committed other felonies both in Devon and Cornwall, had placed themselves in the liberty of St. Petrock of Alders-towe, and there remained, with the intention, it appears, of eventually claiming abjuration sanctuary within the actual church. It is added to this entry that the Prior of Bodmin held the manor.

There are also two or three entries relative to temporary sanctuary in Padstow church, in the Assize Roll of 1302-3, and one wherein Thomas

de Stratton, for fear he should be taken, placed himself within the safeguards of the liberty—*posuit se in libertatem Sancte Petroci de Allestowe que est sanctuarium.*<sup>1</sup>

<sup>1</sup> For further particulars as to these Cornish Assize Rolls, see chapter xiv.

## CHAPTER XI

### SANCTUARY INCIDENTS IN CITIES

The City of London, 1231-1555—The City of Canterbury, 1273-1426—  
—City of Norwich Coroners and Assize Rolls, 1267-1464—  
Norwich Cathedral Sanctuary—Borough Customs of Waterford,  
Bury St. Edmunds, Fordwich, Dover, Hastings, and Rye.

#### CITY OF LONDON

THERE are several sanctuary incidents well worth rescuing from scattered documents which occurred in the city of London other than those connected with the chartered sanctuaries of Westminster or St. Martin's le Grand, or those mentioned under leading historical events.

In the year 1231, when Walter de Buflete and Michael de St. Helens were sheriffs, it happened that on the night of Thursday next after the feast of St. Luke (13th Dec.) a certain man, Ralph Wayefuntaines by name, was stabbed with a knife by a certain stranger in the churchyard of St. Paul's in London; of which wound on the Morrow he died. One Geoffrey Russel, a clerk, was with him when he was so stabbed; he fled to the church of St. Peter in London, and refused to appear unto the peace of his lordship the King, or to leave

the church, but afterwards he escaped thence ; and (although) the said sheriffs caused the churchyard to be watched, still, while so watched, he made his escape.<sup>1</sup>

Information reached the chamberlain and sheriffs of the city, on 19th May, 1278, that one Henry de Lanfare was lying dead in the house of Sibil le Feron in the ward of Chepe. Whereupon an inquest was held before the coroner when the jury made the following return—One Richard de Cadisfold fled to the church of St. Mary, Staining Lane, by reason of a certain robbery imputed to him by William de London, cutler, and the same William pursued him in his flight. It so happened that on the night of 5th May, when many persons were watching round the church to take him if he came out, a certain Henry de Lanfare, ironmonger, one of those watching, hearing a noise in the church, and fearing that Richard was about to escape through a breach in a glass window, went to examine it. The said Richard and one Thomas, the clerk of the church, perceived this, and Thomas seizing a headless lance struck at Henry through the hole in the window, and wounded him between the nose and the eye, almost to the brain. From the effects of this wound he languished until 19th May, when he died about the third hour. Thomas was taken and imprisoned in Newgate, but afterwards delivered before Hamon

<sup>1</sup> *Liber Albus*, 82.

Haweteyn, justiciary of Newgate. Richard was keeping himself within the church.<sup>1</sup>

The Patent Rolls of 1284 record the appointment of a commission of oyer and terminer to Roger de Northwode, John de Cobeham, Geoffrey de Pycheford and Henry de Waleys, mayor of London, touching those "satellites of Satan," some of whom, after solemn inquisitions, had already been consigned to gaol, who by night entered the church of St. Mary le Bow, London, and violently seized Laurence Duket, who had sought refuge there for some alleged crime, and after various torments hanged him with a rope in the said church.

On the feast of St. George, 23rd April, 1289, Walter Bacun, chaplain, fled to the cathedral church of St. Paul. Whereupon William le Mazeliner, coroner, together with John le Breton, warden of the city of London, and other trustworthy persons, demanded of the said William the reason for his taking sanctuary. Whereupon he confessed that he had stolen sixteen silver dishes which belonged to Sir Baronein. Upon this acknowledgment the said dishes were delivered by the coroner to William de Betoyne, then sheriff, to be kept by him under the seal of Sir Baronein. On 25th April the dishes were brought to the Guildhall and restored to Baronein.<sup>2</sup>

<sup>1</sup> Riley's *Memorials of London*, 1276-1419, pp. 16, 17.

<sup>2</sup> *Ibid.*, 1276-1419, p. 24.

The aldermen, on 19th May, 1298, made order that no thief, murderer, or other person, taking refuge in the churches, should from thenceforth be watched, so long as they remain within the same.<sup>1</sup>

Pardon was granted to the commonalty of the city of London in 1321 for neglecting to keep watch on those who take sanctuary in the churches of the several wards of the city.<sup>2</sup>

In 1321-2 a murder case occurred in London in which sanctuary proved of no avail. A woman named Isabella Bury slew the clerk of the church of All Saints by London Wall, and placed herself for sanctuary in the same church. After she had been there five days the Bishop of London wrote a letter stating that no immunity could be given by Holy Church in such a case; the crime had apparently been committed within the actual church. The woman was thereupon taken out of the church and placed in Newgate, and in the course of a few days was hung.<sup>3</sup>

The sheriffs of London, according to the Close Rolls of 1337, were ordered to cause Andrew de Sutton to be taken from prison and brought to the church of All Hallows, Hay-wharf, London, without delay, to stay there according to the ecclesiastical liberty, as Stephen Bishop of London had shewn the king that

<sup>1</sup> Riley's *Memorials of London*, p. 36.

<sup>2</sup> *Liber Custumarum*, vol. ii. pp. 346-7.

<sup>3</sup> *Croniques de London* (Camden Soc. 1844).

although Andrew had taken sanctuary at that church, and had entered the porch and held the ring of the door in his hand for some time, yet certain sons of iniquity drew him, who then called himself John de Catton, violently from the porch and led him to prison.

The *Grey Friars Chronicle* has the following entry under 1528 : “This yere was a prisoner brake from the halle at Newgate whanne the cecions was done, that was browte downe in a basket, and brake thorow the pepulle, and went vn-to the Gray freeres, and there was vi or vii dayes. And at the last the shreffys came and spoke with hym in the churche, and, for because he wolde not abjure and aske a crowner, with gret violens of them and their offecers toke hym owte of the churche, and soo the churche was shott in from Monday vn-to Thursday, and the seruys and masse sayd and songe in the fratter; and that day the bushoppe of Sent Asse browte the sacrament solemnly downe with processioun, and soo the powre prisoner continued in prisone, for they sowte all the wayes that they cowde, but the law wolde not serue them to honge hym, and at the last was delyuered and put at lyberte.”

The *Acts of the Privy Council* (New Series, vol. v. pp. 220-1) contain the following note:—

“ 11 Jan. 1555.

“ A lettre to the Master of the Savoye signifieing unto him the Quenes pleasure to be that

he himselfe and John Piers, oone of her Majesties servants, shulde forthwith upon receipte thereof use all the diligence they maye for the searching and finding out of oone Thomas Burley, a prysoner attaynted for a wilfull murdre, lately escaped out of Newegate, conveyeng himselfe into the Savoye; and, being founde out, to cause him to be redelivered unto Alexandre Andrewe, the Keper of Newgate."

#### THE CITY OF CANTERBURY

The Patent Rolls of 1273 enter the appointment of a commission to Fulk Peyforer and Simon de Craye, to enquire, by jury of Kent, to whom belongs the custody of felons fleeing to churches of the city of Canterbury, and whether the citizens or their ancestors used to be amerced for escapes, or others ; it having been shown on behalf of the citizens that although neither they nor their ancestors, in times of voidance of the archbishopric, or at other times used to be amerced before the justices in eyre in those parts for such escapes, Master Roger de Seyton and his fellows, justices last in eyre in the county of Kent, greviously amerced them on that charge.

The Patent Rolls of 1295 contain a remarkable entry relative to the ancient church of St. Martin of this city.

" Whereas Robert, son of Hamon Prat of

Wingham, Kent, lately hung for robbery, was afterwards taken down from the gallows, and placed upon the ground as dead, and was thence carried to the church of St. Martin at Canterbury, and there was found to be still living. The King, for the honour of God and devotion to the aforesaid saint, has pardoned him and granted him his peace."

Similar incidents happened in a church at Bath in 1280, and in a church at Norwich in 1285, as subsequently recorded.

Among the muniments of the city of Canterbury two precedents of 1293 and 1313, one relating to felons' goods, and the other to the custody of persons taking sanctuary, are copied in a hand of about A.D. 1500. In each case proceedings were taken before the Justices in Eyre, and their decisions were accepted as law. In the first the prior of Christ Church had taken possession of the goods *pendente lite*, and was left *in misericordia* as a penalty for his impatience. In the other, in which a felon escaped after taking sanctuary in the church of St. John's Hospital, the ward of Northgate, in which the Hospital is situated, was amerced, the Judges ruling that the men of the ward ought to have prevented the escape of the felon, although they might not molest him as long as he kept within the church.<sup>1</sup>

In 1426 the chapter of the monastery of

<sup>1</sup> *Hist. MSS. Com. Reports*, ix. 171.

Christ Church, Canterbury, appealed to Archbishop Chicheley for help against the citizens of Canterbury. The two Bailiffs, William Billington and Richard Cutler, led a mob of disorderly townsmen to endeavour to remove from their church, where he had taken refuge, a young man, Bernard, a goldsmith from across the seas, who had escaped from their custody. What made the offence so much more grievous was that the mob burst into the quire at the very time of the Consecration of the Elements during high mass, using violence and blows, together with vile and threatening language, causing a scandalous uproar. The young fugitive had taken refuge within the iron rails round the archbishop's own new tomb, from which they endeavoured to drag him by force. By the aid of the archbishop's commissary and others of the confraternity of the church, the monks were able to defeat the bailiffs, although the fugitive was dragged from the tomb to which he clung and out of the quire into the nave.

#### CITY OF NORWICH

The records of the city of Norwich contain many references to sanctuary. It has been claimed that the church of St. Gregory was specially used by sanctuary seekers,<sup>1</sup> but we have not been able to find any confirmation of this

<sup>1</sup> *Norfolk Archaeology*, vol. ii.

idea, which seems to have been based upon the notions that a beautiful bronze closing-ring boss on the south door, now moved to an inner vestry door, was a “sanctuary knocker” (see p. 124), and that the rooms over the porches would have been suitable for fugitives. Neither of these reasons has any true weight.

The late Mr. Harrod, a distinguished archæologist, contributed various articles to early volumes of *Norfolk Archæology* with regard to the city muniments of Norwich. The following extracts from the local Coroner's rolls are chiefly taken from his excerpts:—

William Sot, of Hemstead, near Happisburgh, placed himself in the church of St. Gregory, the Monday before St. Bartholomew's day, in the year 1267. The Coroners and Bailiffs went and interrogated him why he had placed himself there; and he confessed before them that he did so because of certain robberies he had committed, namely, on account of certain cloths he had stolen at Hemstead; and he was taken at Yarmouth and there incarcerated, whence he escaped, and therefore placed himself in sanctuary. And he abjured the realm, and had protection to Sandwich.



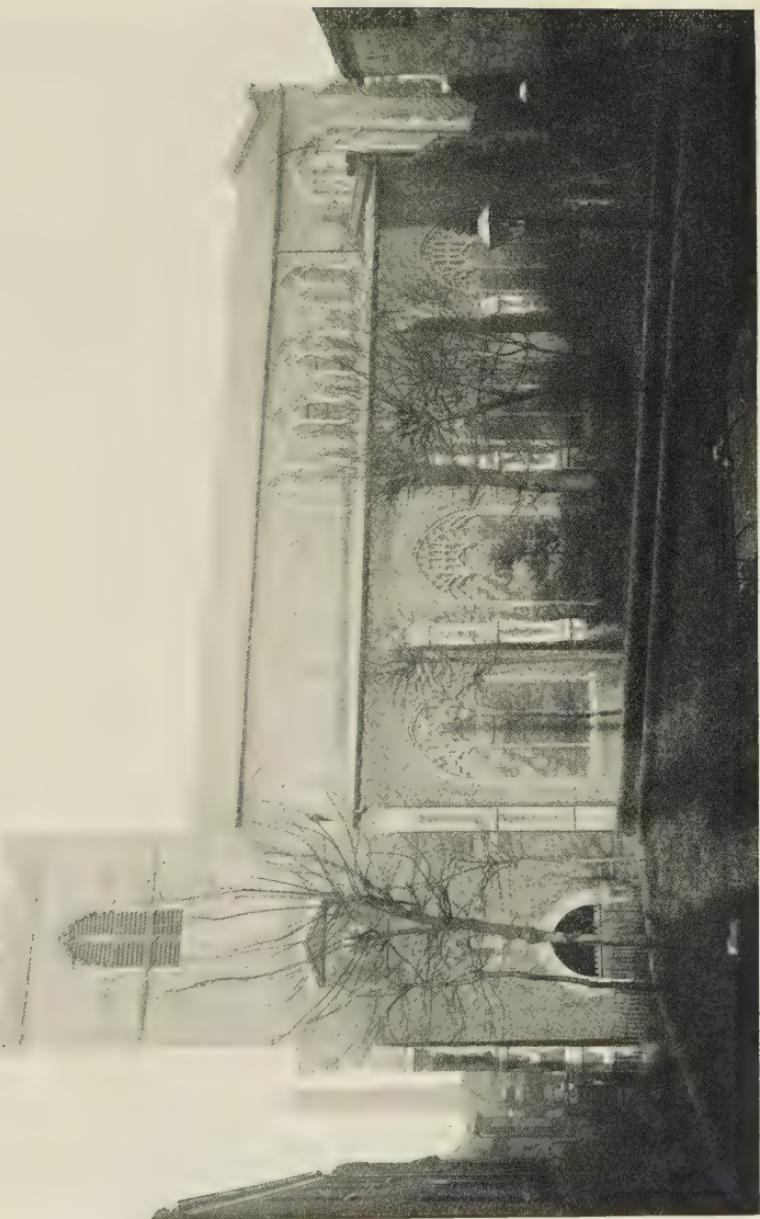
BOSS FOR CLOSING-RING, ST. GREGORY, NORWICH.

John Schot, of St. Edmund's, placed himself in the church of the Friars Preachers the Friday after the Conception of the Blessed Mary, in the year 1295, acknowledged to have stolen goods and chattels of merchants of Winchelsea and Flanders to the value of £30, and to have broken prison at Yarmouth; he abjured the kingdom the Monday following, and a port is given to him at Portsmouth within 3 weeks. Walter Brun, coroner, John With, Nicholas le Potter, and other of the king's lieges, present. His chattels: 1 short jacket, value 3s., Henry le Rus to answer; one tunic, 11d.; one corset, 14d.; one hood, 10d.; one pair of socks and one hood, 3d.; a sword and buckler, 18d., whereof Nicholas le Potter answers; also a feather-bed, 14d., whereof Henry Sergeant to answer. Md. that John Bon, of Ipswich, received the above £30 from him.

Geffrey Gom, of Lynn, placed himself in the church of Friars Preachers same day, and acknowledged to have killed Richard . . . of Gascony, and to have broken prison at Yarmouth the day and year aforesaid; he abjured the kingdom the Monday aforesaid, and port is given him at St. Botolph's (Boston) in fifteen days. The same parties present. No chattels.

Richard Clerk, of Norwich, placed himself in the church of St. Nicholas the same day, and acknowledged to have killed John Russell, and to have broken prison at Yarmouth; abjured the

THE CHURCH OF ST. GREGORY, NORWICH.





kingdom the Wednesday after the feast of St. Lucy the Virgin, in the year of King Edward 23, and port is given him at Hampton (Southampton) in a month. Present there, Walter Brun, coroner, and others. No chattels.

On Monday, in the first week of Lent, 1285, Roger de Wylby, Adam le Clerk, James Nade, and William de Burwode, being bailiffs, one Walter Eghe was taken for stealing cloth from the house of Richard de la Ho, and for other thefts, and on the Wednesday following was taken before the bailiffs and whole community of the city in the Tolbooth. He was found guilty, hung, taken down from the gallows, and carried to St. George's Church to be buried, when he was found to be living. The jury at the next assizes found that William, son of Thomas Stanhard, took him from the gallows; that 4 marks, the felon's chattels, were in the hands of the sheriff; that he [Walter Eghe] remained in that church for 15 days, watched by the parishes of St. Peter of Hundegate, St. Mary the Less, Sts. Simon and Jude, and St. George; that he then escaped, and there was judgment against the 4 parishes; that he then placed himself in the church of the Holy Trinity, and there remained until the king at his suit pardoned him. The bailiffs and community were required to say by what authority they adjudged him to be hung.

This record brings prominently to notice the

great cost the right of sanctuary must have been to a town ; felons were frequently fleeing to the churches for all sorts of offences, and immediately casting the burden of a strict watch on the four adjoining parishes while they remained there.

On an Assize Roll for Norwich, 1286, the jury presented that Wm. de Loddon, clerk, and Hugh Maydenelove were taken for stealing sheep, and other thefts, and imprisoned in the Tolhouse of the city. Hugh broke prison, and carried the same William upon his back to the church of St. John of Ber Street, whose foot had rotted from his long imprisonment. On the morrow, when the bailiffs found the same William, he went out of sanctuary and rendered himself to the king's peace. Christina Startup of Lodne accused him of stealing 22 sheep. At first he said he was a clerk, and said he was unable to answer the bailiffs, when asked by them how he wished to be tried. Subsequently, in the absence of the prosecutor, the bailiffs acquitted and released him, and had judgment against them at the assizes for the acquittal. Meanwhile the merciful Hugh Maydenelove abjured the realm.

On the same Assize Roll, "the Jury of the Hundred of Smethedon presented that Christiana Gamot, and Nicholas, the son of Mariota Bagge, of Hunstanton, were taken on the indictment of the country, and carried in custody to Hunstanton, where they escaped. . . . Therefore

judgment against that town for allowing the escape. And the said Christiana immediately placed herself in the church of Hunstanton, and acknowledged herself a thief, and abjured the realm before the coroner. Had no chattels. And the said Nicholas fled, and afterwards placed himself in the same church, and acknowledged himself a thief, and abjured the realm before the coroner. He had no chattels, nor was he in the leet. And after abjuring the realm, he returned into the country and broke into the house of John Norman of Hunstanton, and took and carried away goods and chattels of the same John to the value of 26 marks ; and flying when hue and cry were raised, he was beheaded, on the suit of the said John and of the country. He had no chattels."

In October 1464, it was declared by the Recorder of Norwich that there were differences between the clergy and laity concerning the guarding of a certain Thomas White, who took sanctuary within the churchyard of St. Mary Incombusta, for the homicide of John Cook, yeoman, and how he had been guarded for 40 days. "And seeing that he refuses to abjure the realm within 40 days, by the advice of William Yelverton, the King's Justice, and others skilled in the law, a proclamation was made throughout the city by the coroner, that no one should give, send, or throw food to the said Thomas White in any way whatsoever, under the penalty of a

charge of felony. Whereupon came Master John Galet, vicar-general of the Lord Bishop, with the prior of the cathedral and a great number of other ecclesiastical persons, and claimed that they may have leave to spend alms on the said Thomas for procuring ecclesiastical privilege, or that the said Thomas should be delivered to them, under sufficient security to be found for him for the indemnity of the city. And the Recorder considers that these questions are very difficult and ambiguous in law to be answered, wherefore it is well to be further advised.”<sup>1</sup>

In 1551, Alexander Chapman, of Norwich, had a lease granted him for 99 years, at an annual rental of 6s. 8d. of “All that chamber within the precynte of the cathredrall churche aforesaide, sometyme called the Sanctuarye Mens Chamber,” adjoining the Jesus chapel.

#### BOROUGH CUSTOMS<sup>2</sup>

Within boroughs it was, for the most part, the duty of the officials to guard those in sanctuary from escape. A few further notes on this subject are added. The borough of Waterford definitely provided, c. 1300, that—

“If a man or woman has fled to a church because of killing, or for larceny, or for receiving criminals, and is in the church, the bailiffs and

<sup>1</sup> *Records of the City of Norwich*, ii. 96.

<sup>2</sup> See Miss Bateson’s *Borough Customs*, vol. ii. (1906), pp. 34–5.

coroners ought to send for a serjeant to cause the neighbours to be summoned to watch the church that these offenders do not escape. And then the coroners shall come and ask those who are in the church if they will come to the peace of the king, or if they wish to keep in the church. And if within 40 days they will come out and abjure the king's realms, the coroners ought to charge them thus" (followed by the customary oath of abjuration).

A small number of boroughs, however, distinctly repudiated all such obligations, and were apparently permitted to evade them. Swansea, in 1305, declared their freedom from any demand of this nature, and declined to be held responsible for escape from church. The abbey and convent of Bury St. Edmunds, in 1327, released the aldermen and burgesses from all obligations of this nature, undertaking to guard church fugitives at their own risk.

Fordwick claimed, about 1345, that if any freemen or strangers, charged with felony, fled to a church within the liberty, the mayor and community were not to incur any damage if the suspected felon escaped within the forty days. But if at the end of the forty days, or before, he wished to abjure the liberty, the mayor, bailiff, and jurists were to lead him to the boundary of the town's liberty, and there he was to make the customary abjuration of the realm. At Dover the fugitive desiring to

forswear the land had to do so at the church door before the mayor. At Hastings he took the oath in the presence of the bailiff at “the style-grees of the churche yerde . . . and anon he shall receve the crosse, and the bayle shall doo crye in the kynges behalfe that no person uppon payne that is in the lawe ordeyned, do hym hurte ne griffe al the whyle he holde the kinges way, forging to the porte of his passage that he hath chosen.”

The Rye custom was much the same; the fugitive had to take the abjuration oath seated on the churchyard stile.

The City of London took upon itself in 1298 to decline responsibility for fugitives in churches, but the judges considered this disclaimer contrary to law.

It may here be added that occasional entries in Coroner's Rolls, show that the custom of the actual abjuration being administered at the churchyard gate was one of general adoption. I have noted it entered in cases at Fordham, Cambridgeshire, in 1338; at Frumpington, in the same county, in 1343; and at Spalding, Lincolnshire, in 1355.

## CHAPTER XII

### EPISCOPAL REGISTERS

Worcester—Hereford—London—Durham—Winchester—  
Chichester—Ely.

ALMOST the only occasion on which a diocesan would be called upon to take action in connection with the question of sanctuary would be those occasions wherein this momentous privilege of the Church was infringed. The following extracts or abstracts from the episcopal registers of the mediæval Church of England are all, with one exception, concerned with the punishment of sanctuary violators.<sup>1</sup> The first of these, of the thirteenth century, illustrates the grave character of the penalties incurred by such delinquents ; whilst the last, of the latter half of the fifteenth century, shows how the conflict between the *jus ecclesiasticum* and the *jus regni* was at that time developing.

In the important register of Godfrey Giffard, Bishop of Worcester from 1263–1301, there are one or two remarkable entries relative to sanctuary.

In 1279 the bishop presided in his cathedral

<sup>1</sup> Some extracts from the York episcopal registers are given under Beverley.

church at a long inquiry as to the execution by Peter de la Mare, Constable of Bristol Castle, of one William de Lay, a fugitive to the church of Sts. Philip and James, Bristol. Richard Walden, clerk, gave evidence that Peter the Constable gave orders for the arrest of William in the churchyard, and himself laid hands on the fugitive. Four laymen testified to taking part in the arrest, one of them stating that he took the said William when fleeing to the churchyard, and held him by the feet while the rest of his body was in the churchyard, and that he left because of the clamour of the people. Adam le Steor, keeper of the castle prison, acknowledged to beheading William. He did so, as he stated, because the said William had often been in prison ; but he well knew he was dragged there from the churchyard. Another witness owned to having tied the hands of the prisoner, led him to the place of execution, and afterwards carried the body out of the castle. Peter de la Mare, the Constable of the castle, stated that he was not present at the arrest, but acknowledged that he was responsible for the arrest and beheading. Robert, rector of the church of St. Mary, Bristol, gave remarkable evidence ; he stated that he was ignorant who composed, wrote, and published a certain libellous song ; but that he had heard of miracles being done by William de Lay.

The bishop, on 21st August, assigned the following penances : Richard de Walden, clerk,

the principal author of the arrest, and four others who took an active part, were to exhume the body of the said William and restore it to the church, together with the head, burying it in the churchyard from whence it had been violently taken when living. At which exhumation, carrying and burying, Adam le Steor, who beheaded the said William, was to be present and do the principal work. They were to go from the church of the Friars Minors by the most public way to the church of Sts. Philip and James in solemn procession, with bare heads and feet, and wearing only their shirts and breeches, before the third hour of the day, on four market days in four weeks, and at the door of the church to be scourged by priests specially appointed. The rest of the ten men who had taken some part in the arrest, imprisonment, and beheading were to make a like procession and be scourged on one market day.

Peter de la Mare was to do like penance on one day, was to endow a priest with fit maintenance to perform divine service for ever in honour of God and His Mother and all the elect, and more especially in remembrance of the deceased. He was also to erect a stone cross at the cost of at least 100*s.*, that so the Church of Christ built in His blood might be recompensed with due reverence for so grave a crime; and that at the same cross every year a hundred poor were to be fed, and each of them should receive

one penny for food at the expense of the said Peter ; and further, that he should be present at the penances of all the other offenders.

If, however, the said persons would take upon them the sign of the cross (*i.e.* join the Crusades), the bishop might mitigate the above punishments, so that they went to the church in the manner abovesaid and humbly received such discipline. Two days later the bishop issued a further notification, to the effect, that if Peter de la Mare, Richard Walden, and their colleagues sent one of themselves at their own expense, or some other sufficient man-at-arms, to the Holy Land for the remission of their sins, nothing further should be exacted from them for the Crusade.<sup>1</sup>

This reburial in consecrated ground of William de Lay had a singular sequel. Many of the people of Bristol regarded him as a martyr, and went to his grave in the churchyard of Sts. Philip and James as though he had been a saint. The bishop issued his mandate to the Archdeacon of Gloucester and the Dean of Westbury to inquire into this, and to punish the rectors of Sts. Philip and James and of the Blessed Mary-in-the-Market for stirring up scandal and errors with regard to William de Lay. At the same time, the archdeacon and dean were ordered to receive back into the Church Peter de la Mare and his accomplices, if fitly penitent.<sup>2</sup>

<sup>1</sup> Giffard's *Registers*, i. ff. 110-113.

<sup>2</sup> *Ibid.*, ii. ff. 93-5.

In 1283 there was a gross violation of ecclesiastical immunities at Little Comberton. A certain fugitive was taken by force out of the church, incited thereto by the bailiff of the hundred of Pershore and the reeve of Wick. At the same time the mob withdrew the priest and the parish clerk from their houses in the churchyard (probably as abettors of the fugitive taking sanctuary), and put them all three in prison at Worcester. For this outrage all concerned were excommunicated, and the bishop issued his mandate to the deans of Worcester, Gloucester, Bristol, Pershore, and Warwick, enjoining the public scourging of the delinquents, bareheaded, and wearing only their shirts and breeches, through the market-places of those five towns.<sup>1</sup>

In the *Sede Vacante Register* (f. 15), for February 1302-3, entry is made by a letter from the Prior of Worcester to the dean (rural) of Worcester, enjoining him to excommunicate all those concerned in the pursuing of Richard Kaye, a clerk of Worcester, who had sought ecclesiastical immunity, into the crypt of the cathedral church, and to cite them to appear before the prior to receive canonical punishment. It appears from a memorandum attached to the letter that Kaye was a fugitive within the precincts, and that on the day in question he went to drink at the house of a goldsmith in the

<sup>1</sup> Giffard's *Registers*, ii. ff. 169-70.

cemetery. Immediately this was perceived by the watch set by the bailiffs, they fortified the gate between the cemetery and the church, and, by the advice of the bailiffs, seized him and put him in irons. He must have been restored to the church, for eventually he abjured the realm before the coroner.

Thomas de Cantilupe, Bishop of Hereford, visited the priory of Leominster in 1276. This house, which was a cell of the great Abbey of Reading, was semi-independent and constantly gave trouble to the diocesan. On 27th March the bishop followed up his formal visitation by writing a long letter of *reformanda* to the prior and convent, forbidding them to lock the church doors, and so prevent access to the nave for parochial uses. He also enjoined that the church was not to be used for secular purposes on Holy Days, and the use of the bells was not to be stopped, nor almsgiving curtailed. The bishop, in his remonstrance, further pointed out that the locking of the gateway which led to the church was to the detriment of those who might be flying to the church for the purpose of obtaining sanctuary rights.<sup>1</sup>

Adam de Orleton, Bishop of Hereford, issued a commission on 12th February 1318, to the Prior of Monmouth, the Dean of Ircheenfield, the vicar of the church of Castle Goodrich, and Master Richard de Sidenhale, for the purpose of

<sup>1</sup> Cantilupe's *Register*, f. 17.

enquiring, reforming, correcting and punishing those sacrilegious persons who had violated the sanctuary of the conventual church of Monmouth, by dragging forth Walter Herberd who had taken refuge therein.<sup>1</sup>

In 1299, an appeal was made to the king by that strenuous diocesan, Richard de Swinfield, Bishop of Hereford, to cause John le Berner, clerk, to be replaced by the sheriff in the church of the Austin friars at Ludlow. John had fled there, when in fear of death, claiming immunity, but certain of the men of that town dragged him forth with violence, and, after inflicting various injuries, loaded him with chains, and sent him to the castle of Shrewsbury, where he was still in gaol. The nature of John's alleged offence is not stated; the bishop simply claims his release and replacement in sanctuary, in accordance with the laws of ecclesiastical liberty.<sup>2</sup>

A few years later the same diocesan made an appeal to his brother prelate, the Bishop of Llandaff, to punish certain sanctuary violators within his diocese by subjecting them to the penalty of the greater excommunication. From this vigorous letter it appears that a grievous scandal had arisen, which, if left unpunished, could not fail to be regarded as subversive of the immunity of churches and a pernicious example to others. One Griffin Goht and

<sup>1</sup> Alton's *Register*, f. 17.

<sup>2</sup> Swinfield's *Register*, 125 b.

others of Llandaff diocese had entered armed through the two doors of the church of Monmouth, breaking them open with the utmost violence, and in spite of the remonstrances and inhibition of the ministers of the church, had seized one John le Carpenter, who had escaped from custody out of Monmouth Castle and taken refuge in the church, dragged him forth, and inhumanly beheaded him as soon as he was outside the churchyard. On the same date, 17th March 1308-9, Bishop Swinfield commissioned John of Monmouth, Bishop of Llandaff, to perform on his behalf the rites of reconciliation for the church and churchyard of Monmouth, as all religious offices had been suspended owing to the pollution caused by the crimes of Griffin Goht and his associates in Monmouth.<sup>1</sup>

A third case of the violation of sanctuary rights occurs in Swinfield's *Register*. On 17th February 1311-12, the bishop, who was then in poor health, commissioned Leoline Bromfield, Bishop of St. Asaph, to consecrate altars and to confirm children on his behalf, and at the same time authorised him to reconcile the church and churchyard of Clun, which had been desecrated by the murder of a fugitive profanely dragged from sanctuary.<sup>2</sup>

The earliest of the extant registers of the diocese of London is that of Ralph Baldock, who ruled over the see from 1304-1313. In

<sup>1</sup> Swinfield's *Register*, f. 165.

<sup>2</sup> *Ibid.*, f. 175.

December 1309, the bishop caused to be entered in his register a strong denunciation of a breach of sanctuary, which he declared, in the preamble, to be contrary to the authority of the Constitution of Ottobone, whereby the violent ejection of fugitives from English churches or churchyards was absolutely forbidden. Certain prisoners had escaped from the gaol of Colchester Castle, and had made good their flight to the Austin priory of Tiptree, about ten miles distant, where they took refuge within the conventional church. An unruly mob followed them, burst open the doors with violence, and dragged them forth through the midst of the cloisters, eventually replacing them in the gaol from which they had escaped. The bishop stated that it is impossible to overlook such an execrable act which was enormously prejudicial to ecclesiastical liberties, and he ordered that a solemn excommunication was to be pronounced in every church of the deanery of Colchester against the offenders, on the Saturday of the Feast of the Conversion of St. Paul, on the following Sunday, and on the day of the Purification of the Blessed Virgin, at the hour when the largest congregation was wont to assemble. A little further on in the register, entry is made of a royal writ issued by Edward II. on 3rd March 1309, addressed to William de Ormesby, John de Breton, and John de Mutford, justices appointed for the delivery of Colchester gaol,

requiring them, in answer to the request of the bishop, to restore one Roger Wyther of Evesham to the priory church of Tiptree. The circumstances of the case are briefly related in the writ, from which it would appear that Roger was lying chained in Colchester gaol. As there was more than one prisoner who had escaped and gained sanctuary at Tiptree, it is probable like writs were issued in the other cases, but that the bishop's scribe thought that it was sufficient to copy one of the writs as an example.<sup>1</sup>

On 21st November 1312, Richard Kellaw, the energetic Bishop of Durham (1311-16), issued his mandate to the Archdeacon of Durham for the excommunication, through all the churches and chapels of the archdeaconry, of certain sons of iniquity who had with violence dragged forth from the church of the Carmelite friars of Newcastle several who had therein sought sanctuary. In connection with this outrage, the bishop took particular action on 25th April in the following year, when he issued a mandate to the parish chaplain of St. Nicholas, Newcastle, imposing public penance on Nicholas, called Le Porter, for taking part in ejecting certain laymen out of the Carmelite church, who had taken refuge there for the security of their lives. Nicholas had been excommunicated, but on the authority of the Papal legate had been, after full confession, absolved, on condition of doing due penance.

<sup>1</sup> Baldcock's *Register*, f. 20.

It was ordered that on the next Sunday, and on all successive Sundays of the current year, Nicholas was to present himself at the doors of the church of St. Nicholas, bareheaded, barefooted, and clad only in a sheet (*roba linea*), there to receive castigation in the midst of the people, and expressing in the vulgar tongue the nature of his offence and his sorrow for it. Afterwards he was to proceed in like manner to the Carmelite church of St. Mary, there to make like confession and to receive similar chastisement. If, however, the prior of the Carmelites should be satisfied with a less continuous penance, it was left to the bishop to make certain remissions.

It is not a little remarkable that this letter of the bishop is immediately followed in the register by another one, wherein a penance of much shorter duration was enjoined, without any mention of the prior of the Carmelites. This second letter is of the same date as the first, and addressed to the same chaplain. It seems probable that some private intimation was conveyed that this most severe penance was to be wound up at Whitsuntide, Whitsunday falling that year on 11th May. The porter was ordered to make his penance in like manner as in the first letter, before the doors of St. Nicholas Church on the Monday, Tuesday, and Wednesday in Whitsun week, and subsequently, on each of those three days, to do the like before the doors of the cathedral church of Durham.

There is yet further reference to this outrage in an episcopal letter, dated 7th June 1314, wherein Robert de Luda, who had connived at the dragging of certain laymen two years before out of sanctuary in the Carmelite church, and the subsequent putting of them to death, is absolved from excommunication, subject to the fulfilment of the stipulated penance; but in this case the nature of the public penance is not stated.

In 1315, Bishop Kellaw commissioned the prior of Holy Island to inquire concerning a violation of sanctuary. One William le Spyder, of Berwick, in fear of violence, sought refuge in the parish church of Norham. Whereupon John Tyllok, William Godard, William Kinkly, and Walter Russel entered the church, and dragged the fugitive out, and conveyed him to the castle of Norham, where he was detained for some time.

William Wykeham, the great Bishop of Winchester, was stern in maintaining the sanctuary privileges of the Church, which so materially alleviated the severity of the mediæval criminal law. One of the most curious cases recorded in his register refers to an incident in connection with the parish church of Overton. On a Sunday evening, about Michaelmas, 1390, one John Bentley was attending evensong. He was known to be a stranger, and from his excitement was judged to be there for sanctuary purposes.

He was asked if he was a thief or a robber, and he replied that he was neither, but had had the misfortune to kill a man. Bentley then went out into the churchyard, and whilst there was hailed by one Robert Dingle, who was standing by the open south gate. Whilst speaking to Dingle, a shoemaker of Overton suddenly pushed him from behind out of the churchyard into the highway. Bentley struggled to re-enter, but some of the villagers dragged him away, put him in the stocks, and afterwards took him to Winchester gaol. The case was reported to the bishop, who issued a commission to his official, in conjunction with the prior of St. Swithun's and the abbot of Hyde, to punish the offenders and compel them to replace Bentley in sanctuary. At the same time the bishop petitioned the king for Bentley's discharge from gaol. The outcome of this case is not to be gathered from the register, but, judging from a somewhat similar case in the diocese four years later, the penance would be a severe one. The offenders who had violated sanctuary at Streatham had to endure the following penance on three successive Sundays : They walked in the procession stripped to their shirts and drawers, carrying lighted tapers. One of the clergy, clad in a surplice, followed, flagellating them with a rod, and declaring to the people at the same time the cause of the penance ; after which the penitents knelt in the middle of the church at high mass, repeating

the *Magnificat* in audible voices and praying forgiveness.<sup>1</sup>

The authorities of a church when sanctuary was claimed were expected to provide the offender with necessary food. In a case where this was neglected, in 1377, Wykeham did not hesitate to excommunicate those responsible for this grave breach of sanctuary law.

The register of Robert Reade, Bishop of Chichester from 1397 to 1415, contains some interesting entries relative to sanctuary violation at Arundel :—

“ Be it remembered that on 6th March (1404–5), at Duringwick, there came certain men, John May and John Cook, of Arundel, for and about this reason—that it was common talk and rumour that these same men had dragged away one John Mott, who had been taken as a thief and robber, and brought down to the Castle of Arundel and its prison on 20th February, as he was running from the aforesaid castle, and at the cloister gates of the College of Arundel was taking hold of the ring of the same gate as a sign of the immunity of the Church. Who appearing of their own accord, and being sworn to speak the truth on the aforesaid charges laid against them by the lord, simply denied what was alleged as the charge was laid. They confessed, however, that they had gone across with the constable there, who led and drew him away from the

<sup>1</sup> *Victoria History of Hampshire*, ii. 40.

place mentioned, for the greater security of the said constable, and that they led him to the castle aforesaid, and that considering the fact that they were present at this abduction, giving their advice and support, which was, as they learnt since, to the prejudice of the privileges of the Church, they submitted themselves to the grace of the lord, because they were moved thereto in their own consciences.

"Whereupon the said John and John were sworn to abide by the mandate of the Church, and to perform such penance as should be laid on them and on each of them by the lord for their offences. The lord then absolved them in legal form, and enjoined each of them to make a pilgrimage on foot to the shrine of St. Richard, and to offer there a wax candle according to their means, and that each of them should be scourged five times through the church of Arundel; and further, that each of them before leaving his said chapel (at Duringwick) should say there on his bended knees before the crucifix five times, Our Father, Hail Mary and Creed. And afterwards the lord being informed that the said John Mott had been restored to the Church as a fugitive by the deliberate action of those who had withdrawn him, after they had been made aware that they had offended against the privilege of the Church, and without the request of any ecclesiastical person, he graciously commuted the penance concerning the scourgings laid on

them to this, namely, that each of them should offer on the next Sunday, or on the day of the Annunciation next to come at the time of High Mass, a lighted candle at the High Altar of the college aforesaid. Present then and there Mr. John Pedenelle and Sir John Asscheford and John Blounham."

In connection with the same offence, there appeared on the following 29th March, before the bishop in the chapel of his manor, John North, constable, William Carlus, porter of Arundel Castle, and a certain David Brown, humbly submitting themselves for their share in violently dragging away John Mott from sanctuary and taking him to the castle, whereby they had *ipso facto* incurred the sentence of greater excommunication. Each of them took an oath on the Holy Gospels of abiding by the mandates of the Church and performing any enjoined penance, whereupon the bishop absolved them and ordered a penance nearly similar to that laid on the two other offenders. But afterwards he commuted the penance, allowing them to ride to Chichester to make their offering of a wax candle at the shrine of St. Richard at Arundel on Good Friday, Easter Eve, or Easter Day, as though they were doing it out of devotion.<sup>1</sup>

The register of William Gray, Bishop of Ely, records the appointment, in January 1458–9, of the Prior of Ely and Dr. Laverok, as commissioners

<sup>1</sup> Reade's *Register*, pp. 106–7; *Sussex Arch. Coll.*, vol. viii.

to inquire into the case of John Ansty, Esquire, William Wighton, and Thomas Warwick, who had dragged forth from the immunity of the cathedral church one Henry Mullyng, who had fled thither for sanctuary, and placed him in prison ; whereupon they were excommunicated by the bishop. Wishing, however, whilst guarding the immunity of the church, to provide for the health of the souls of the delinquents, the commissaries were instructed to inquire into the case and to deal with it. John Ansty, in defence, pleaded that the taking away of Henry from the cathedral church was not a violation of the liberties of the Church, and quoted certain statutes which had been approved by the bishops and clergy of the province. He argued for himself and colleagues that they were in great perplexity, and found themselves between hammer and anvil, to wit, between the *jus ecclesiasticum* and the *jus regni* ; by the former they ought to be restored to the Church, but by the latter (approved by Convocation) they ought to be in gaol until the next sessions to answer charges of felony. After two adjournments and much nicety of arguments as to the respective weight of canons and law, the bishop intervened and ordered the keeper of his gaol at Berton, where Henry Mullyng was in confinement, to produce him on Thursday after the Feast of St. Gregory (12th March) before the commissaries in the cathedral, so that Henry being thus at liberty

within the church, might either seek its immunity in the form provided by statute, or return to gaol. On which day, all the parties appearing, John Ansty declared in detail the manner in which Henry had sought the shelter of the church, and because he distinctly refused to state a legitimate reason for such action, and also did not solicit the liberty of the church in the prescribed form, he and his colleagues violently dragged him away and placed him in custody as being suspected of felonies. Whereupon the commissioners asked Henry whether he was willing to state reasonable cause before a coroner, and to this he at last assented. Eventually he first secretly and then publicly confessed that he had lately killed his servant by beating him with an iron instrument, had stolen a bay horse worth 8s., and was an abettor and harbourer of thieves and robbers; wherefore he humbly and resolutely asked to be admitted to the liberty of the church of Ely. Whereupon the commissaries granted him this admission.<sup>1</sup>

<sup>1</sup> Gray's Register, f. 117; *Ely Dioc. Remembrancer*, December 1906.

## CHAPTER XIII

### THE PATENT AND CLOSE ROLLS

Pardon of an abjuror who had taken part in a duel—Grant of the chattels of an abjuror—Pardon, for a fine of 300 marks, for a Dorchester sanctuary seeker—Pardon for sanctuary violation in Cornwall—Pardon of parish clerk of Tutbury for killing a supposed sanctuary seeker—Violation of sanctuary at Stafford—Restoration to sanctuary at Windsor—Restoration to sanctuary at Chichester—Commission as to beheading of sanctuary men at Windsor—Restoration to sanctuary at Escrick, Yorks—Restoration to sanctuary at Heacham, Norfolk—Commission as to violence to coroner and sanctuary seeker at Sedgeford, Norfolk—Commission as to gross violation of sanctuary at Aylesbury—Delivery to the Archbishop of Canterbury and the Bishop of Worcester of a clerk in sanctuary at Ely cathedral—Pardon to a sanctuary seeker at Cirencester for false oath—Violation of sanctuary at Tutbury—Question of warding a sanctuary man at Huntingdon—Sanctuary at St. Margaret's, Southwark.

IN this short section abstracts are given of certain noteworthy entries in the Patent and Close Rolls at the Public Record Office pertaining to sanctuaries, which do not readily find a place in other chapters ; they are arranged in chronological order, and seem to require no particular comment. These extracts are chiefly taken from the printed calendars : *P* at the beginning of the paragraph stands for Patent, and *C* for Close.

In the first two cases it will be noted that the actual fact of taking sanctuary is not named, but abjuration of the realm was inseparable from sanctuary seeking.

*P. 1213, July 11.*—Pardon, on the petition of Thomas de Galway, to Roger de Parks, for having abjured our realm, which he did because he assisted his brother Henry in a duel at Tothill against the assize of the kingdom.

*P. 1250, May 26.*—Acquittance to Robert de Grendon, sheriff of Stafford, for the payment, by order of the king, to Simon, keeper of the works of the castle of Windsor, on Thursday after Holy Trinity, at Windsor, of 55s. of the chattels late of Robert de Bandac, who abjured the realm of England for larceny, and which were found at Bridgenorth in the said county.<sup>1</sup>

*P. 1250, June 27.*—Pardon to Elias de Rabayne, for a fine of 500 marks, of what pertains to the king for his flight and taking sanctuary in the church of Dorchester for certain trespasses laid upon him, before John de Reygate and his fellows, justices in eyre in the county of Dorset, and of the trespasses of which he was indicted before them in their eyre aforesaid, and of the amercements for the same.

*P. 1204, July 10.*—Pardon, at the instance of Eleanor the king's mother, to Robert de Aleburne, for the trespass which he committed with others in dragging William de Waleys, charged with the death of John, son of Matthew, from the church of St. Kevern, Cornwall.

<sup>1</sup> Bridgenorth is, of course, in Salop and not in Staffordshire; this mistake of the scribe probably arose from the fact that Robert de Grendon was at this time sheriff of both these counties.

P. 1293, February 23.—Pardon to William de Tyssington, clerk, for the death of William de Lenton, porter of Tutbury Castle, as it appears by the record of John de Berewyk and his fellows, justices in eyre in the county of Stafford, that a thief imprisoned in the said castle having escaped in the night, the porter, as soon as he became aware of it, went immediately to the church to prevent the thief from entering, and believing the said clerk, who had also gone to the church for the said purpose, to be the thief, struck and wounded him ; and the said clerk, likewise believing the porter to be the thief, struck him back upon the head and so killed him by misadventure.

C. 1300, November 7.—To William Inge and Nicholas Fermband, justices appointed to deliver Stafford gaol. The dean and chapter of St. Mary's church, Stafford, have shown the king that whereas Adam Coly and William de Offeleghe lately fled to that church for sanctuary by reason of certain trespasses ; their enemies dragged them forth and delivered them to that gaol ; the king orders them to be restored to the church, if the justices find this to be true.

C. 1309, February 28.—To John de Foxle and Richard de Wyndesore, justices assigned to deliver the gaol of Wyndesore. Order to release Hugh Ide and Simon le Webbe, and to safely convey them to the churchyard (*cimiterium*) of the church of Windsor, where they had fled for

sanctuary. They had been forcibly taken thence to Windsor prison on the information of the Bishop of Salisbury.

C. 1309, *March 21*.—To William Inge and John de Abernoun, justices, to deliver the gaol of Chichester. Order to deliver Thomas Tryp from gaol, and to lead him back to the church of St. James without Chichester, whence he had been forcibly taken from sanctuary.

C. 1309, *April 4*.—To the sheriff of Berkshire. Order to cause jurors to appear before Henry Spigurnel and Richard de Wyndesor, whom the king has appointed to inquire what malefactors and breakers of the peace dragged certain prisoners lately detained in the king's prison of the town of Windsor for larcenies and other trespasses charged against them, who had escaped from the same prison and fled to the churchyard of Windsor for sanctuary, from the said churchyard by force of arms, and led them back to the same prison, slaying and beheading certain of them on the way back, and to inquire the names of those thus slain and of the survivors, and all the circumstances of the same.

C. 1309, *October 25*.—To John de Insula and John de Donecastre, justices assigned to deliver the gaol of York Castle. Order to deliver Nicholas de Shupton from the said gaol, and to cause him to be led back to the church of Escrick, if they find that, as he states, he, being in the gaol for larceny, escaped from it and fled to the said

church for sanctuary, and that certain malefactors dragged him therefrom and led him back to gaol.

*C. 1310, March 28.*—To Wm. de Ormesby and Wm. Inge, justices to deliver the gaol of Bury St. Edmunds. Order to lead Thomas Heneman back to the church of Heacham if they find that his complaint to the king be true, he alleging that he fled to the said church for sanctuary, and that certain malefactors took him out of the same and led him back to the said gaol.

*P. 1311, November 27.*—Commission to John de Thorpe and Robert Baynard on learning that when John Alisaundre of Ringstede, who was indicted for larceny, robbery, and other felonies, took sanctuary in the church of Sedgeford, co. Norfolk, and remained there for a long time, and Henry de Walpole, coroner for the county of Norfolk, approached the church to receive his abjuration according to custom, divers persons obstructed the coroner in the discharge of his office, forcibly broke the church and entered it by night, compelled John Alisaundre to go forth from it, and beat the men appointed to guard him in the church.

*P. 1342, December 13.*—Commission to John de Alveton, John le Venour, and Thomas de Weston to make inquisition in the county of Buckingham, touching an information that Augustine Bever and others, who have formed

a sworn confederacy to maintain their illicit misprisions, assaulted John de Colynton, steward of Eleanor, Countess of Ormond, the king's kinswoman, at Aylesbury, followed him as he fled to the church of that town to have ecclesiastical defence there, broke the doors and windows of the church upon him, took him from the church, and imprisoned him until he made a writing obligatory of £100, and a writing of quit-claim of certain trespasses to them, and swore that he would serve the countess no longer, assaulted other of her men and servants so that she lost their service for a long time, and are now common malefactors—to certify the king of the whole truth hereof.

P. 1343, *January 25*.—On behalf of John Wentynburgh, clerk, who for certain trespasses laid to his charge by his enemies, not involving loss of life or limb, has for a long time held himself in the cathedral church of Ely, and dare not leave that church on account of the plots and threats of his said enemies, petition has been made to the king for relief herein; and as J., Archbishop of Canterbury and R., Bishop of Worcester have mainprised before him and the council to have the said John before them when summoned, he has appointed Robert Flambard, his serjeant-at-arms, to go to the said church, take him out if he seeks him, and deliver him to the custody of the said archbishop and bishop as such mainpernors.

P. 1345, February 20.—Whereas Walter Beket of Cirencester, for fear of his enemies, who were ambushed against him, fled to the church of St. John Baptist, Cirencester, and when his enemies would have drawn him thence unless he acknowledged some felony to save his life, acknowledged that he had killed one John de Flete, who is still alive, as is said, and afterwards escaped from the church, the king, on trustworthy evidence of the truth of the premises, and that the malice aforesaid was planned against Walter on account of a prosecution by him made for the king, and not for any fault of his, has pardoned him for the death and escape aforesaid, and all other trespasses whatsoever, and of any consequent outlawries.

P. 1347, November 20.—Commission to Simon Bassett, sheriff of Gloucester, Walter le Waryner, and Robert de Orcheston, reciting that, whereas the king, because John Pouchet, "Lumbard," his enemy, with £100 of his money delivered to the said John by the hands of Master Bernard le Saltu, king's clerk, to do certain business for the king, lies hid and runs to and fro, refusing to satisfy him of the money, by writ directed the said sheriff to take him and bring him before the council; and the sheriff, when the said John should come out of the church at Tutbury, in which on that account he kept himself, would have done so, certain evildoers took John by force from the church

with the king's money to let him go free, and that the king has appointed them to find by inquisition the names of all those concerned in the taking of him from the church.

*P. 1353, October 3.*—The men of the commonalty of the town of Huntingdon have made petition to the king shewing that Richard de Dalton, lately convicted of felony before Robert de Thorpe and his fellows, justices appointed to deliver the gaol of Huntingdon, and adjudged to death, and delivered to the ministers of the sheriff for execution of the judgment, escaped from their custody on the feast of St. Margaret, and fled to the church of St. Andrew, Huntingdon, and still holds himself there, and that they, fearing that, in case he escape from the church, they may be disturbed, have hitherto caused the church to be guarded at heavy cost, not without depression of their estate, and praying that they may be discharged of such guard; and because on deliberation had thereon with justices and others of the council, it seems that they should not be charged with the keeping of the escaped felon, for whose escape the sheriff has to answer the king, he has thought good that they may be discharged of the said guard.

*P. 1441, February 1.*—Whereas on the supplication of Thomas Homnall, *alias* Staynes, of Bury St. Edmunds, yeoman, the king has learned that on 6th February 1438, through fear of arrest and imprisonment by reason of a

condemnation in 372 marks, has taken sanctuary in the church of St. Margaret, Southwark, and there before Adam Levelord, one of the king's coroners in the aforesaid county, confessed that he was a felon, having on 10th July, in the 14th year, taken at Bury a red horse of one Edmund Ampe, worth 20s., by colour of which on Saturday, 9th February, in the sixteenth year, before the said coroner he abjured the realm, the king has pardoned the said felony and any consequent outlawry.<sup>1</sup>

<sup>1</sup> Mr. Ralph Nevill, in commenting on this incident in *Surrey Archaeological Collections*, vol. xxi., considered this was a case in which a debtor, having gained sanctuary, put in a plea of horse stealing, "which was doubtless entirely fictitious, but enabled him to be conducted to the nearest port; thence he proceeded abroad till such time as he could arrange his affairs and purchase a pardon." That there were cases of perjury before coroners to secure transhipment out of the realm is undoubtedly, but that such a case of downright perjury of this character obtained a royal pardon is highly improbable.

## CHAPTER XIV

### ASSIZE AND CORONERS' ROLLS

Pleas of the Crown, 1200–1225—Coroners' Rolls from 1265 to 1413, cited by Professor Gross—Staffordshire Assize Roll, 1271–2—Derbyshire Assize Rolls of 1265–8 and 1329–30—Wilts Assize Roll, 1267–8—Northumberland Assize Rolls of 1256 and 1279—Raids of Scotch robbers, and abjuration to their own country—Dorsetshire Assize Roll of 1280—Sanctuary at Kingston-on-Thames, 1262–3—Remarkable case at Wilton, 1358—Two Oxford incidents, 1343 and 1346, from Coroners' Rolls—Coroners' Rolls for the city of York, 1349–1359—Hertfordshire Assize Roll, 1247–8—Somersetshire Assize Rolls, 1243 and 1280—Devonshire Assize Roll, 1237–8—Assize Rolls of Cornwall, 1283–4 and 1302–3—The nature of Assize Rolls, and of Coroners' Rolls.

THE several series of the national rolls, in addition to the Patent and Close Rolls, stored at the Public Record Office, contain valuable contemporary records as to the action of sanctuary customs and laws. The most notable of these are to be found in the Assize and Coroners' Rolls. They also occur in the older Plea Rolls of the Curia Regis. The first volume of the invaluable publications of the Selden Society, issued in 1888 by the late Professor Maitland, was “Select Pleas of the Crown, 1200–1225.” In these pages are the following references to pleadings involving the question of sanctuary.

At the Pleas of Easter Term, 1203, Adam Matherley appealed William of Witham, goldsmith of Wallingford, for that he by night came

to the house of his lord, Philip Crook, in the township of Easton, and with other evildoers fastened the doors of his house on the outside so that neither Adam nor the other servants could get out, and afterwards broke the doors of the bedroom and slew Philip and robbed him of his money. He saw this crime through a window, and this he offered to prove against him by his body. A day was appointed for wager of battle. Meanwhile it was stated on the plea rolls that "The knights of the county do not suspect Edward, brother of Alfred, who placed himself in sanctuary and abjured the realm, of having consented to this crime."

At the Pleas at Bedford in 1202, there were two instances of sanctuary recorded by the jurors of the hundred of Flitt. Elias, Stanard's son, slew Roger, son of Geoffrey, and fled to a church, confessed, and abjured the realm. Judgment was given against Robert of Marsh, the serjeant, for not summoning the hundred and the townships to sit upon the dead man. Stanard of Eye was in mercy for not raising the hue when his son was found dead and slain. In the other case, one of four men engaged in a murder fled to a church and abjured the realm. His chattels, worth 3s., were forfeited.

The jurors of the hundred of Oswaldston, at the Pleas held at Worcester in 1221, stated that Nicholas of Hagley and Stephen Read were accomplices in larceny. Stephen on this account

fled to a church. Nicholas wished to deliver him, and went to Osbert Alfolk, of Alvechurch, and asked him to go with him to deliver Stephen. Osbert declined, a quarrel ensued, with the result that Osbert killed Nicholas. Whereupon Osbert found pledges, six of whom are named, and the whole of his tithing. Afterwards Osbert demanded an inquest to say if he was guilty of larceny and fellowship with Stephen or no. The jurors found that Osbert was a thief and a receiver of thieves, in particular of Nicholas and Stephen, and slew Nicholas in order to conceal his crimes. It was therefore decided that Osbert be hanged.

Another complicated case at the same pleas was that of William of Stone, who was captured in his house by evildoers, taken off to Chaddesley wood, and there slain. William Brasey, who was present at the murder, and who was also charged with the death of Philip of Harvington, fled into the church at Stone and remained there. The king's serjeant committed the duty of seeing that he did not escape to the townships of Stone, Heath, and Dunclent. But whilst they had him in charge, the Abbot of Bordesley came with his monks and carried Brasey off, clad in the cowl of one of the monks. The townships confessed this, and were therefore in mercy. The justices also considered that the abbot was in mercy. Meanwhile Isabel, William of Stone's wife, had charged four other men with the

murder of her husband. They did not appear, and the justices directed her to sue in the county court until they were outlawed, and ordered the sheriff to take their lands and chattels into the king's hand. But on the return journey of the justices to Worcester the accused appeared again, together with Isabel, denied their guilt, and Isabel withdrew her appeal, with the result that she herself was taken into custody. The accused paid a fine of 20 marks for not having appeared when first summoned.

A sanctuary case is recorded at the Pleas held at Warwick in 1227. William Maynend killed Jacob the merchant, fled to a church and abjured the realm. William's chattels were worth 5s., and the price of his land for the king's term of a year and a day, 17s. Edith, Jacob's wife, notwithstanding William's confession, charged another man, Ketel of Warwick, with her husband's death, caused by a kick with his foot. Ketel put himself on his country, and gave five marks to have a verdict, pleading William's attested confession in church. The jurors declared Ketel was not guilty, and Edith was taken into custody.

Another volume of the Selden Society, issued in 1906, the work of the late Professor Gross, is "Select Cases from the Coroners' Rolls, 1245-1413," wherein occur the following sanctuary references:—

At twilight on Saturday, the feast of St.

Peter's Chains, 1265, an affray occurred on the bridge of Hailbridge, between the counties of Bedford and Huntingdon, when an attempt was made to rob two women and a boy who were on their way from the market of St. Neots to the leper hospital at Sudbury. William, a shepherd, came to their rescue, when John, one of the felons, struck William with a sword on the head, so that he forthwith died. The township of Sudbury came with the hue and arrested John and two others of the robbers; but William, son of Nicholas the preacher of Huntingdon, clerk, escaped them and fled to the church of Diddington, Huntingdonshire. The jury at the inquest, before Simon Read the coroner, came from the four townships of Sudbury, Eaton, Wyboston, and Colmworth. The sword, worth 12d., was delivered to the township of Sudbury, and had to be accounted for at the next assizes.

A curious case of murdering a sanctuary fugitive, *en route* for his port, occurred two years later at Sudbury. An unknown man, imprisoned at Southoe, on the manor of the Earl of Gloucester, escaped from prison and fled to the church of Southoe, where he abjured the realm before the Huntingdon coroner, electing for himself the port of Dover. He took the road to Sudbury and reached that place, but when there he was pursued by three men of Hail Weston, whose names are given; they assaulted him

with swords, killed him, and afterwards, on the king's highway, beheaded him with an axe. The township of Sudbury raised the hue, and pursued from township to township. At the inquest the three culprits were ordered to be arrested if found.

A later case in the same county is illustrative of the fate that lawfully befell a licensed sanctuary fugitive, on his way to the selected port, if he left the highway. One John, who was hayward in the vill of Houghton, was arrested in 1276 on suspicion of larceny, and was imprisoned by the township of Houghton, in the liberty of Eyton. He escaped from prison, and took refuge on Monday next before the feast of St. Mark in the parish church of Houghton. On the following Monday he confessed before the coroner that he had robbed Sir William of Gorham at Westwick, Hertfordshire, abjured the realm, came forth from sanctuary and proceeded on his way to Dover. He fled, however, from the highway, and was followed by William of Houghton, and eventually, on the hue and suit of the whole vill, was beheaded by the township of Houghton. The four vills of Houghton, Totternhoe, Tilsworth, and Chalgrave, appraised John's personal property, which was placed in charge of the first of these vills.

In the same year a woman of the hundred of Manshead killed her husband, found sanctuary, confessed her crime before the coroner and the

four adjoining vills, abjured the realm, and proceeded to Dover.

Certain extant Coroners' Rolls for Northamptonshire, in the time of Edward II., name the churches of St. Peter of Oundle, St. James of Thrapstone, St. Andrew of Luddington, St. Peter of Watford, and the chapel of St. Thomas the Martyr in Oundle, as having been duly used by sanctuary fugitives. Other churches occur whose dedications are not set forth.

A remarkable Northamptonshire case occurred at Cold Ashby in March 1322, when John, the son of Simon Robert, the constable of that vill, died from a lance wound. At the inquest it was found that two days previously two men who had enlisted at Northampton to serve the king in Scotland came to Ashby, where they found John, who had enlisted there. A quarrel arose amongst them, when Richard, son of William Clerk of Crick, ran a lance through John, which eventually killed him. Whereupon Richard and the other enlisted man took refuge in the church of Ashby, but forthwith the body of recruits from Northampton who were on their way to join the king came and took these two men by force of arms from the church and carried them off with them to Scotland. The record of the inquest concludes with the statement that John lived for two days, and then died after having confessed and received the Communion.

In the same month and year a Northamptonshire example of sanctuary affords another illustration of the fate likely to befall a licensed fugitive who wandered from the highway. John of Ditchford fled to the church of Wootton on account of robbery, which he confessed before the coroner and the four townships, and on abjuring the realm had the port of Dover assigned to him. Two days later his body was found beheaded in the fields of Collingtree. The inquest returned that "on the preceding Wednesday the said John abjured the realm of England before the coroner at Wootton, and on the same day he abandoned the king's highway and the warrant of holy Church, to visit the cross, and fled over the fields of Collingtree towards the woods. Hue was raised against him, and he was pursued by the township of Wootton and others, until he was beheaded while still fleeing. His head was carried by the four townships to the king's castle at Northampton by order of the coroner."

One other Northamptonshire case, of the days of Richard II., is worth citing as showing the power of a church fugitive to insist on his safety and maintenance for the full term of forty days. One John Philpot, in 1377, took refuge in the Cluniac monastery of St. Andrew in Northampton, and there in the chapel of St. Mary, on the day of his arrival, confessed on oath before the two coroners of the town of

Northampton that he was a thief, having stolen a grey horse worth 10s. at Kirkby, in Warwickshire; and also that he was a murderer, having slain John Pigger, poultreer of Highgate, on 29th November 1367. "Being asked if he wished to abjure the realm of England, he said, not until the fortieth day. Therefore on behalf of the king, the said coroners ordered the bailiffs to cause the town to guard him there safely and securely. And during the interval of forty days the said John Philpot escaped from the said monastery, and fled to some unknown place. He had no chattels."

The old Assize Rolls frequently yield abundant proof as to the extent and working of the ordinary privilege of sanctuary within a parish church or consecrated chapel. The Staffordshire Assize Roll for the year 1271-2, at the close of the reign of Henry III., contains a variety of instances, none of them based upon any royal charter, but upon the general custom of the country, and the privileges of the Church throughout Christendom.<sup>1</sup>

Simon Wade put himself in the church of Bradley, confessed himself a robber, and abjured the realm before the coroner ; his chattels were worth 2s. 9d., for which the sheriff answered ; the vill of Bradley did not take him, and is therefore in mercy.<sup>2</sup>

<sup>1</sup> Mazzinghi's *Sanctuaries*, 35-42.  
*I.e.*, subject to fine.

Henry, son of Maud de Clifton and Hugh le Fox, of Hoar Cross, were together on the bridge beyond the wood of Lichfield, and a dispute arising between them, the said Hugh struck the said Henry with a club on the head to the brain, of which he instantly died ; Hugh put himself in the (cathedral) church of Lichfield, and abjured the realm before the coroner ; he had no chattels. William Godley the first finder came not, and was attached by Robert, son of Godfrey of Lichfield, and by Gilbert, son of Geoffrey of the same place, and was therefore in mercy. Afterwards it was testified that Maud, the mother of the said Henry, charged the said Hugh in the county court with the death of her son, and he was outlawed at her suit.

Robert Herberobur, clerk, put himself in the church of Tamworth, acknowledged himself to be a robber, and abjured the realm before the coroner ; his chattels were worth 3s. Also Walter de Herberobur put himself in the church at Tamworth and made like acknowledgment and abjuration. He had no chattels, and the twelve jurors made no mention of his abjuration, and for this informality they were in mercy.

William, son of Alan, put himself in the church of Burton-on-Trent, acknowledged himself a robber, and abjured before the coroner. He had no chattels, and the vill of Burton was in mercy for not arresting him.

Robert Culkyng put himself in the church

of Rugeley, and abjured the realm before the coroner ; his chattels were 5s. 1d. ; the vill of Rugeley failed to arrest him, and they were therefore in mercy.

Adam Tulk, of Alton, put himself in the church of Colwich, and afterwards came to the king's peace, and went from the said church ; but he was instantly taken and carried to Bridgenorth, and there imprisoned when Robert de Grendon was sheriff. From thence he was delivered by the king's writ, and the succeeding sheriff was commanded to cause the said Robert to be bailed, but the jurors testified that Robert was dead.

Hugh Scott put himself in the church of Tutbury, confessed himself a robber, and made abjuration before the coroner ; his chattels were 3s. 11 $\frac{1}{2}$ d.

John Brun put himself in the church of Cheshall (?), confessed to having committed robberies and homicides, and abjured the realm before the coroner ; his chattels were worth 3s. The vill of Cheshall did not capture him, and therefore was in mercy.

Nicholas, son of William de Colton, and Adam, son of Hereward, were together in the vill of Hutton. A dispute arose, when Nicholas struck Adam with a knife to the heart, and killed him instantly. He immediately fled, put himself in the church of Colton, and there remained from the first hour until night. Ralph

de Burgo would not permit the men of Colton to guard him in the said church, and they say upon oath that by the counsel and abetting of the said Ralph, Nicholas departed from the church, with the advice and assistance of William le Jovene, lord of Colton. Subsequent measures were to be taken with regard to the said Ralph and William, but it was testified that 100*s.* had been paid to the use of Haman le Strange, the then sheriff for the aforesaid evasion. The sheriff was then commanded to cause the said Haman to appear before the justices. The chattels of Nicholas were worth 12*d.* The vills of Colton, Bromley Abbots, and Bromley Bagots, were in mercy for not coming to the inquest.

Alice de Alegrave put herself in the church of Shenstone, confessed to robbery, and abjured the realm before the coroner. She had no chattels. For failing to arrest her the vill of Shenstone was in mercy.

Avice de Leek put herself in the church of Weston, confessed to robbery, and abjured. She too had no chattels, and the vill of Weston was in mercy for not arresting her.

Richard de Miller put himself in the church of Standon, confessed to robbery, abjured, had no chattels, and the vill in mercy for failing to arrest him.

Steven de Frucheton and Roger de Wemme put themselves in the church of Creswell,

confessed to robbery, abjured, had no chattels, and the vill was fined for non-arrest.

Agnes de Bakelye put herself in the church of St. Bertelin of Stafford, confessed herself a robber, and abjured before Bertram de Burgh the coroner. Her chattels were declared to be worth 12d., but afterwards it was testified that these chattels belonged to Robert de Smith of Stafford, through whose suit the said Agnes had put herself in the church.

Richard de Alton put himself in the church of the Friars Minors of Stafford, confessed himself a robber, and made abjuration. He had no effects. The vills which came not at first to the inquest were in mercy.

A certain unknown Christian woman put herself in the church of St. Chad, Stafford, confessed to robbery, and abjured; her chattels were worth 12d.; the vill of Stafford was in mercy because she was not arrested.

Alice le Blake of Sedgford put herself in the church of Stafford (St. Mary's), and abjured the realm before Bertram de Burgh the coroner. Her chattels were worth 6d.

It will thus be seen that the cases of resort to ordinary church sanctuaries amounted to twenty in number for the county of Stafford in a single year of the thirteenth century. Staffordshire was among the smaller counties both in size and population, but if the rest of the counties for this year had a like number of sanctuary seekers,

the total would amount to about eight hundred. This total is the more surprising, inasmuch as it has to be remembered that the population of England at that time would be less than a sixth of what it is at the present day, and that such a calculation excludes from consideration the large numbers which year by year resorted to the special sanctuaries which had chartered privileges.

The earliest Assize Roll for Derbyshire, covering the years 1265–1268, is fairly prolific in cases of this description.<sup>1</sup>

Agnes, daughter of Roger de Coventry, placed herself in the church of Stanley, and acknowledged herself to be a common thief, and abjured the kingdom. Chattels worth 4d., for which the sheriff will respond.

Thomas, son of the parson of the church of Normanton, and Ranulph Seuche, slew Ranulph le Poer in the open fields of Bentley, and immediately after the deed placed themselves in the church of Blackwell, and acknowledged the deed and abjured the kingdom.

Philip de Coleshill and Alice de Beaurepayr placed themselves in the church of Dovebridge and acknowledged themselves to be thieves, and abjured the kingdom. No chattels, but they possessed 2s. The vill of Dovebridge in mercy for concealment.

Geoffrey, son of Nicholas le Charecter, slew Will Wildegros in the vill of Somersall, and at

<sup>1</sup> See *Derbyshire Archaeological Society's Journal*, vol. xviii. (1896).

once fled to the church of Dovebridge, and owned the deed and abjured the kingdom. Chattels worth 2s. He was in the Frank Pledge of Somersall, but they have him not (in custody).

Hugh Textor placed himself in the church of Darley, and confessed that he had slain Thomas Quenyld, and abjured the kingdom before the coroner. Chattels, 3s. He was in the frank pledge of Nicholas de Wakebrugge, who now had him not. And the 12 jurymen concealed a certain part of the said chattels—wherefore they are in mercy. And the vills of Darley, Nether Haddon, and Winster, on the plea of false valuation of the aforesaid chattels before the coroner, are in mercy.

William de Middleton placed himself in the church of Harthill, and confessed himself a thief, and received John Bolax, and John (son of the chaplain of Taddington), a robber, and abjured the kingdom before the coroner. And because the vill of Harthill did not take him, they are in mercy. He was in the frank pledge of Middleton in Wapentake of Wirksworth, but they have him not. John Bolax and John, son of the chaplain of Taddington, are extraneous and outlawed.

Alan le Serjant of Hope slew Richard, son of Abuse, with a certain knife, and placed himself in the church of Hope, and acknowledged the deed and abjured the kingdom. He was in

the frank pledge of Geoffrey, son of Brun of Hope, who hath him not. In mercy.

Hugh de Somercotes, smith, placed himself in the church of Alfreton, and acknowledged that he slew Gilbert de Riddings, and abjured the kingdom before the coroner. No chattels. The vills of Alfreton, Wingfield, and Pinxton came not to the coroner's inquest, wherefore they are in mercy. It was afterwards testified by the jury that the said Hugh was placed in straits in the last iter, and outlawed in the country because of his contumacy in the king's suit on account of the aforesaid death. He was very much commiserated in this county after the said outlawry was promulgated. The whole county was in judgment because they had not taken him.

Selections from the Assize Rolls of Derbyshire for 4 Edward III. (1329-30) were printed by the present writer in vol. xxxi. of the same journal. These selections, taken from only two membranes of the roll, include the following three sanctuary cases :—

“ John, son of Gregory, son of Simon of Ingleby, slew Laurence Hereward, and immediately fled and is suspected. Therefore let him be in exigent and outlawed. His chattels, worth 25d., wherof J. Bret, the sheriff to answer. He was not in the frank pledge, nor of the main-past of any one, for he was a vagabond. And upon inspection of the coroner's rolls it was found that the said John betook himself to Ingleby

church ; and it being asked the jury how he withdrew from the said church, they say that the said John, before W. de Tyssington the coroner, acknowledged the felony and abjured the realm. The said coroner hath no record of the said abjuration on his rolls."

" Alan Shakesstaffe struck Adam Halyfax with a knife, upon which he immediately died, and forthwith after the deed he betook himself to the church of Monyash, and there before the coroner acknowledged the aforesaid felony, and abjured the realm. His chattels were worth 4d., whereof J. Bret the sheriff to answer."

" At Walton one Roger Losse, who was taken and imprisoned in the stocks (*in ceppis*) of the lady Joan de Mochant, escaped thence and took refuge in Walton church & there before the coroner acknowledged that he had stolen 2 oxen of one Roger Jacob of the same place and abjured the realm. His chattels are worth 52s. 4d. for which J. Bret the sheriff to answer. Nothing is adjudged of the escape because the aforesaid Roger was not taken for the theft nor at the suit of anyone for theft or any felony as the jurors here witness but he was put in the stocks for arrears of his accounts &c. and not for any other cause."

But of all counties Wiltshire, I believe, bears the palm in Henry III.'s day for the great number of abjurations.

The Assize Roll for that county of the year

1267-8 actually includes sixty-six cases of fugitives to churches who abjured the realm. In twelve cases the delinquents confessed to homicide, and in the remainder to some form of robbery. Six of these exiles were women, two of them accomplices of their husbands.

The following are the churches in which sanctuary claims were set forth at this single assize :—Alderbury, Alvediston (2), Amesbury, Ashton West, Avebury, Bavant, Bishopstowe, Bishopstrow, Blundon St. Andrew, Box, Bradford, Broad Hinton, Buttermere, Calne, Chilhampton, Chippenham (2), Chute, Collingbourne Abbas (2), Coombe Bissett, Cricklade (2), Dinton, Easton, Fittleton, Hamptworth, Haytesbury, Highworth, Hill Deverill, Hindon, Horningham, Lacock, Laverstoke, Liddington (2), Manningford, Malmesbury [St. Aldhelm] (2), Malmesbury [St. Mary], Marlborough (2), Norton, Ogbourne St. George, Porton, Potterne (2), Poulshot, Purton (2), Rodborne, Seagry, Shaw, Sherston, Stratford St. Cross (2), Stratton, Surrendell, Wanborough (2), Wilton (2), Winterborne Gunner, Winterslow, and Worton.

The Assize Rolls of Northumberland supply a fair number of instances of churches used as sanctuaries, although this county was so situated as to afford felons a variety of other comparatively easy methods of escaping their deserts. On the north lay the kingdom of Scotland, on the south the palatinate of Durham, whilst there were also

several small liberties where the ordinary King's writ did not run. To the most celebrated of these, "the Grithcross of Tynemouth," allusion is elsewhere made. Among churches used as sanctuaries, according to the Assize Roll of 40 Henry III. (1256), were those of Bamburgh, Bolum, Corbridge (three times), Mitford, and Rothbury, as well as the Newcastle churches of St. John Baptist, St. James, St. Mary Magdalene, St. Thomas, and the conventual church of the Friars Minors.

The Assize Roll, 7 Edward I. (1279), records cases of sanctuary in the churches of Alnwick (2), Alwinton (2), Gunnerton, Hilderton, Lowick and Whelpington. One of the Alnwick cases here recorded is significant : Simon de Scotia of Scotland was caught and imprisoned at Alnwick for a certain cattle theft, and afterwards, in the night time, he broke his prison, killed Robert the castle gate-keeper, as well as Andrew the Thresher, seized the keys of the gate, and opening the door fled to the parish church of Alnwick. When safe within its walls he confessed his crimes before the coroner and abjured the realm. The twelve jurors who assessed Simon's chattels as worth 14d., concealed part of his goods, and for this they were declared in mercy.

Mr. Page, who edited these Northumberland rolls for the Surtees Society in 1891, states in his preface that—

" Raids of Scotch robbers (*malefactores ignoti*

*de Scotia*) are constantly mentioned on these rolls. The usual method of these raiders appears to have been, probably when opposition was not offered to them, to take all the members of a household, bind them hand and foot, and then ransack the house. There was little chance of their being caught, but even should they not see their way of immediately escaping back into Scotland, there was generally a church near by at which they could take sanctuary, and as soon as the coroner could be brought to them they abjured the realm and made the best of their way to their native country."

The following are among the instances of criminals availing themselves of sanctuary rights in a Dorsetshire Assize Roll of the year 1280.<sup>1</sup>

Robert de Code and Roger Paleyn were quarrelling in a tavern, when Robert struck Roger with a knife, and killed him instantly. Robert at once fled to the church of St. Sampson of Middleton (Milton Abbas), where he abjured the realm before the coroner; chattels worth 3d.

Gerard, son of Robert de Hugham, placed himself in the church of Motcombe, confessed that he was a robber, and abjured the realm before the coroner; chattels worth 18d.

<sup>1</sup> Ecclesiologists may not infrequently find the solution of doubtful church dedications in Assize and Coroners' Rolls. It will be noticed that certain dedications are entered on this Dorsetshire roll, and when searching for instances for this work I found the church saints occasionally mentioned on records of six or seven other counties, as well as almost invariably in the county of Cornwall.

Henry le Tayllur of Hine, Nicholas his son, and John his son, broke into the house of William le Tayllur in Gareston, and killed the said William. Whereupon Henry placed himself in the church of St. Michael, and there confessed that he had slain William, and abjured the realm. His chattels were worth 2s. Nicholas and John were taken before the justices.

John Furet and Roger le Trotter were quarrelling in the village of Swyre, when the former struck the latter with a knife so that he died. John's chattels were worth 31s. 4d.; he would not be indicted, for he became a vagabond. But afterwards John placed himself in the church of St. Mary of Hiddynton (? Hinton), and there confessed to killing Roger, and abjured the realm. The parishes of Puncknowle and Portesham came not to the inquest and were at mercy.

William de Weston placed himself in the church of Sydlyng, and there confessed that he was a robber of sheep and had committed other thefts, and abjured the realm before the coroner. He had no effects.

The Surrey Assize Roll for 1262-3 supplies two instances of the great church of Kingston-on-Thames being used as a refuge by criminals. Richard le Parmenter and John de Marscall placed themselves in that church, acknowledged that they were thieves and robbers, and abjured the realm before the coroner. It was proved before the jury that William de Punfreyt, clerk,

had been in the company of the aforesaid Richard and John. William did not appear, and the proctor of the Bishop of Winchester claimed him as a cleric. In the same year Walter Rose and Walter de Braunton, clerk, were caught by the bailiffs of Kingston with two cows, two heifers, and a horse which they had stolen. They were placed in Kingston prison, but escaped, when Walter de Braunton took sanctuary in the parish church, and abjured the realm before the coroner.

A Wiltshire Coroners' Roll for 1358 supplies the following particulars from the long entry of a curious sanctuary case at an inquest held at Wilton before Robert Sireman, the borough coroner, and Philip le Scryvein, the borough constable.<sup>1</sup> Roger de Ludynton was arrested at Fuggleston, at the suit of Ralph, chaplain of the church of St. Thomas, Salisbury, on Monday before the feast of St. Barnabas, together with William, another chaplain of St. Thomas, Salisbury, on a charge of felony. William, however, fled to the church of St. Edith, Wilton, and, after abiding there one night and one day, escaped. Roger was led to the house of John Bovedon, bailiff of the liberty of the Abbess of Wilton, and imprisoned until Wednesday before the feast of St. John Baptist, on which day he was led by the bailiff to the court of the abbess

<sup>1</sup> A translation of this entry is given in *Wilts Notes and Queries* of September, 1898.

held at Bullbridge before John Everard, her steward. "But when 'the said Roger was approaching the church of St. Peter of Bullbridge, the said John the bailiff led him as far as the threshold of the gate of the chapel of St. Thomas the Martyr in the same church, and there made the said Roger sit down within the bounds of Holy Church ; and afterwards, in the interval of a short space, came Robert Porter, vicar of the church of Bullbridge, and opened the gate of the said chapel and drew Roger within ; and because he was within the bounds of the church seeking the refuge of Holy Church, the execution of the aforesaid suit of felony could not be. Roger abode in the church until the following day, when the coroner came and inquired the cause of his stay in the church ; and the said Roger, in the presence of the coroner, touching the sacred Evangelis, acknowledged that he had feloniously stolen a psalter, worth ijs., in the church of St. Thomas, Salisbury, and feloniously carried it now six weeks ago, and for that cause claimed the liberty and refuge of Holy Church ; and sought from the coroner license to abjure, and go forth from the kingdom of England, according to the law and custom of the same kingdom ; and thus continued the same confession before the same coroner for three days continuously . . . and abjured the kingdom ; and there was assigned to the same Roger the port of Plymouth for his

passage. And there was taken with the same Roger a psalter, a knife, and diverse woollen garments, valued by the xij jurymen at xs., which goods remain in the charge of the Abbess of Wilton, lady of the liberty aforesaid, so that she answers thereof to the justices in Eyre."

It is quite obvious that it was the merciful intention of the abbess to save this man's life, and her official winked at his escape into sanctuary.

Two interesting fourteenth century cases of sanctuary seeking in Oxford occur in the Coroners' Rolls of that town. The first instance shows the escape of two felons after enjoying sanctuary for nearly twenty days. The escape was doubtless made to avoid the eventual necessity of abjuration. The second instance is remarkable for the repeated visits of the coroners.

On Wednesday after the feast of St. Catherine (25th November), 1343, Walter le Dodder and Adam le Souter, two felons, broke out of the gaol of Oxford Castle, and fled to the church of the Friars Minors of that city. On the said day the coroners went to the church, and on questioning the felons, they admitted that they were common thieves who had broken by night from the castle prison. They said they were unwilling to submit to the peace of the king. Therefore the bailiffs of Oxford were warned to set a watch that they did not escape

from the church. But on Wednesday after the feast of St. Lucy (13th December), they broke the said church and escaped. On Wednesday after the feast of St. Hilary (13th January), the coroner held an inquest as to the escape of these felons. The jurors returned that they had escaped at night through defective watching.

It came to pass on Monday, before the feast of St. Margaret (17th July), 1346, that Moricius Williames first found John de Cornubia, glover, dead in the High Street in St. Martin's. The coroners came and viewed him there, and held an inquest by the four nearest parishes, viz., St. Martin's, All Saints', St. Michael's North, and St. Peter's-in-the-Bailey, by the oath of John de Rudesdone, and eleven others, who say that Robert de Lincoln slew the said John on that day at the hour of vespers in the street and parish aforesaid ; he smote him with a knife even to the heart. They say also that he had naught in goods and was not in a ward, for he was a stranger ; and he fled at once to the church of St. Martin, and this befell in south-east ward. And they priced the knife at a penny. Pledges of the finder, Will. de Dene and John Munt. Robert de Lincoln, felon, fled to the church of St. Martin because of the felony that he had committed in slaying John de Cornubia. The coroners came on that Monday and viewed the said Robert, and asked of him for what cause he fled to that church

and kept therein ; and there before the coroners he recognised that on the said Monday he slew John de Cornubia feloniously with a knife. The coroners asked him to render himself to the peace of the king, but he said he would not ; wherefore the bailiffs were bidden keep good watch lest he escape. Also on Friday, after the feast of St. James the apostle, the coroners came and asked him to render himself to the peace of the king, but he said he would not, and in their presence he abjured the realm ; and he received the cross, and his port was assigned him at Southampton.<sup>1</sup>

The Coroners' Rolls for the city of York yield evidence as to the frequency with which town as well as country churches were visited by fugitives. Between 1349 and 1359 there were eleven such cases, which occurred in the parish churches of All Saints Pavement, St. Cross (2), St. Laurence, St. Martin Coney Street, St. Martin Micklegate (2), St. Saviour Holy Trinity, St. William-on-the-Bridge, and the conventional church of the Carmelite Friars. In seven instances the crime was homicide, and in the remainder one form or other of robbery. The gravest case was the killing of Aldane, vicar of the church of St. Laurence, Walmgate, by Stephen de Burton, chaplain ; the criminal actually claimed sanctuary in the church of which his victim was incumbent.

<sup>1</sup> This entry appeared in the *Oxford Times* of 22nd July 1910.

It is somewhat of a bathos to find that one of the next inquests on 'the roll concerns a fugitive seeking sanctuary in the church of St. Cross after stealing six pigs. In both these cases the criminals abjured the realm, and were assigned the port of Dover ; eleven and ten days were respectively allotted as the time for making the journey.

A Hertfordshire Assize Roll of the year 1247-8 records sanctuary gained by felons in the priory church of Hertford, and in the parish churches of St. Mary and St. Nicholas of the county town, as well as in the churches of Watford, St. Peter at St. Albans, and "St. Michael de Cruce Roys" (Royston). The churches of Waltham and Walthamsted, Essex, are also named ; in one of these cases there were two sanctuary seekers, namely, Nigel de Mandrugg and Emma his daughter. In the case of John de Cherkmede, who took refuge in the church of Aston, it is stated that he struck Richard de Cherkmede on the head with a hatchet, and that he died within eight days. His chattels were worth 23s. 6d. Four men of Aston were declared in mercy for not producing the hatchet.

The Somersetshire Assize Roll for 1243 contains entries of twenty-one sanctuary seekers flying to churches, namely, to Axbridge, "Birchall," Crowcombe, St. Decuman, East Pennard, Ford, Bristol (St. Thomas, St. John, and Hospital of St. John), Northover, Otterford, Paulton,

Et hoc dico tunc te amio fortunam de yugis in dona tuo regum. Et quod tu pote  
Catholice sumptus gaudi. Pro quo iste te obitum regum est regis in Cœlo. Et hanc eam  
Amor et misericordia misericordia. Obitum die regis regum est regis in Cœlo. Et hanc eam  
Pecunia fidelis piffi. Et donante secundum apud. Obitum et hanc illam mercenariam. Et ea de  
Ritum et servit et a patre suo Regis a 2000 regis mpa. Et deo ad interficere mortalia omnia mpa.  
Et hanc piffi piffi piffi

FACSIMILE OF PART OF A CORONERS' ROLL OF THE CITY OF YORK, 1349-50.

(The two last entries relate to abjuring the realm, consequent on killing a vicar, and stealing six pigs.)



Pilton, Upton, Walcot, "Wytchcote," and Yatton. Twelve of these fugitives were robbers, and nine murderers. In the case of Elyas Cute, who placed himself in the church of Axbridge for robbery, it was afterwards testified that he had first fled to the church of Yeovil, and thence to the liberty of Glastonbury. A robber who took refuge in the church of Northover confessed to the coroner that he had previously abjured the kingdom at Crowcombe.

The apparently complete Assize Rolls of Somersetshire for the year 1280 have twenty-eight sanctuary entries, which relate to the churches of Ashill (2), Bath (Sts. Peter and Paul (2), and St. Michael-without-Southgate), Bagborough, Bedminster, Cheddar, Clevedon, Combe, Glastonbury, Harford, Ilton, Marston, Marston Magna, Martock, Midsummer Norton, Milverton, North Petherton (2), Priddy, Pylle, Quantoxhead (2), Taunton (*in ecclesia orientale*), West Chinnock, Williton, and Winsford. The case of Adam le Messer and the sanctuary of the church of St. Michael-without-Southgate, Bath, was most remarkable. At the gaol delivery, before Thomas Trivet and his fellow justice, Adam, a thief, was being taken to burial in the cemetery of St. Olave, when it was found that he was coming to life. He was carried into the church of St. Michael, recovered, and after fifteen days acknowledged before William Tesson, the coroner, that he was a

horse-stealer, and abjured the realm. Details are given of one of the two cases of manslaughter. The culprit, who took refuge in the church at Ilton, was driving a cart with a yoke of oxen through that place when a child in the middle of the street was killed by one of the wheels. The cart and two oxen, valued at 12s., were forfeited to the sheriff. Out of the total number of fugitives on this roll, twenty-one acknowledged to different forms of robbery, five were murderers, and two were guilty of manslaughter.

On a very short Assize Roll of Devonshire, of the year 1237-8, the escape of felons to eleven churches for sanctuary, exclusive of Exeter, are entered, including those of Fremington, South Molton, Bampton, Uffculme, Ilfracombe, Torrington, and Taverstock (2). At Exeter there was a sudden incursion of a band of nine malefactors, who dispersed themselves in diverse churches of the city. All abjured the realm, and none of them had any chattels. Four of them were from Wiltshire, and three from Gloucestershire. They probably made this move to be near a seaport.

The Assize Rolls of Cornwall of 12 Edward I., 1283-4, are exceptionally full. The *Placita Corona* for this year exist in duplicate, and partially in triplicate, whilst some pleas are actually quadrupled. This multiplicity of rolls only occurs very occasionally among the large number

stored at the Public Record Office. It appears that on some circuits it was the custom for a roll to be prepared for each itinerant justice of the cases that came before him, as well as one of a general nature for the Crown. There were four justices holding assize at Launceston on this occasion, namely, Salamon de Roffa, Robert de Boylund, Robert Fulton, and William de Brayboef. They sat for three weeks from Easter Day. One of these rolls is headed *Rex*, and the other three *Roff*, *Fultonis*, and *Boylund*.

A careful comparison of these rolls shows that the large total of seventy-eight cases of sanctuary seeking and abjuring the realm were brought to the notice of these justices and duly enrolled. An analysis shows that twenty of these fugitives had committed murder, whilst fifty-eight confessed to various forms of robbery, from horse-stealing to purloining a tunic worth 18d. In the account of the special sanctuary of Padstow (chapter x.), it has been mentioned that an alias or alternative name of this port was Aldestowe, spelt in various fashion. It is curious to note that the former name is used on the *Rex* Roll, whilst the latter is invariably used on the three other Assize Rolls of the same year. Sixteen separate cases of fugitives on account of robberies are entered as taking refuge in the church of Padstow. Probably (as has been already suggested in chapter x.) many of these sanctuary seekers came from a distance,

selecting Padstow on account of its being a fairly busy seaport, and an outgoing ship could be readily reached by a walk of a few yards from the church of St. Petrock, the fugitive would thus be spared the shame and fatigue of a long pilgrimage to reach some distant port. The same reason probably explains the fact of a like number of cases occurring at the church of Lostwithiel, for the river Fowey was navigable from that town. Three fugitives placed themselves in the church of St. Michael, Helston, and two each in the churches of St. Francis of Bodmin, St. Mary Magdalene of Donnefde,<sup>1</sup> St. Leonard of Duloe, St. Cross, St. Michael's Mount, St. Cadoc of Ponton, St. Mary of Truro, St. Michael of Trewin, and St. Meferiane of Tintagel. The following churches are entered as receiving a single fugitive during the year :—St. Anthony in Meneage, St. Anthony in Roseland, St. Peter of Bodmin, St. Corentin of Cury, St. Mary of Dunmere Wood, St. Germans, St. Gulval, St. Hilary, St. Keyne, Lanteglos, St. Mary Magdalene of Launceston, Lanhilton, St. Mabyn, St. Maker, St. Martin-by-Looe, St. Melan *juxta Penryn*, St. Paul, St. Thomas the Martyr of

<sup>1</sup> This name is spelt *Donened* in the second case; in each place it is entered under *Burg' de Donehened*. Possibly this is Doydon Head, near Port Quin, in the parish of St. Edellion. Two or three of the churches in this list seem to have disappeared since the thirteenth century. Although I have visited every old church in Cornwall, there are a few I cannot certainly identify; perhaps, too, I may be wrong in my reading of one or two of the names.

Penryn, St. Quintin, St. Andrew of Stratton, St. Teath, St. Mary of Trywern and Tregony.

An instance of a clerk not being allowed to abjure the realm occurs on these rolls. James, a clerk, in a quarrel stabbed Ralph with a knife in his belly so that he died ; the clerk fled for sanctuary to the church of St. Michael's Mount, confessed before the coroner, and abjured the realm. But afterwards he was placed in the hands of the prior of the Benedictine cell of St. Michael's Mount.

The Assize Rolls of Cornwall for 1302-3 also supply brief entries as to a large number of abjurations of the realm ; for this assize they amounted to forty-three. Thirty-six of these felons had committed some form of burglary, robbery, or theft ; four were murderers, and three were guilty of manslaughter. Five found sanctuary in the church of St. Bartholomew of Lostwithiel, four in St. Michael of Helston, and two each in the churches of Looe, Padstow, Stretton, and of the church of the Dominican friars of Truro. Single cases of sanctuary seeking occurred at the churches of St. Aldhelm of Annalegh, St. Leonard of Bodmin, St. Buryan, St. Catherine of . . . . , St. Filius of Eglos (Philleigh), St. Hilary, St. Keyne, Kilhampton, St. Welvela of Laneast, St. Mary of Lanivet, St. Leonard of Launceston, Lezant, St. Mary Magdalene of Launceston, St. Margaret of . . . . , Morval, Newlyn, St. Pinnock, St. Ewyn (Owen)

of Redruth, Stratton, St. Teath, St. Mary of Truro, St. Sacred of Truro, St. Tudy, St. Veep, Week St. Mary, and St. Wynnow.

In the case of Alica, the wife of Thomas Talgogon, a fugitive in the church of St. Teath, the coroner assigned to the abjuror the Devonshire port of Ilfracombe (*Elfredecombe*), which is described as being towards Wales (*Walliam*) ; this seems to indicate that abjurors at that date might take ship to Wales, if so permitted by the coroner. The assigned port is very rarely entered on Assize Rolls.

The following may be mentioned among gleanings from the Coroners' Rolls of Nottinghamshire. During the year 1349 two men, who were guilty of homicide, took sanctuary in the church of St. Mary Magdalene, Newark : to William Holyngham was assigned the port of Dover, to be gained in eight days ; and to John Sauvage the port of Rochester, and a like time for the journey. There were six other cases of fugitives to the same church after homicide in 1358, and to each was allotted the port of Dover within eight days ; one of these delinquents was John de Kilkenny, an Irish chaplain. In the same year a fugitive, one Reginald, the son of Hugh of West Leake, gained the little church of Thorpe-in-the-Glebe ; his offence was the stealing of a pair of linen breeches worth 8d., a coverlet worth 12d., and an old tunic valued at 18d. ; death was the penalty under the law of

*Et docere et precepsit mihi et regnabam. Tu corinthus pone ab his quicunque coram te esse in mea  
recepta sed opimios de leonibus in fronte habebam plamfiam in cella de lionibus. Et enim postea  
fatuus de ipsa pone et danda apud caputum de latrone et tempore statu ex simile amicis et filiis domini  
plena summe fuisse quoniam et non male. Et docere de proprieate et virtutibus se permissum non habui  
pene aliquid fieri in coram coram te esse in mea.*

Et dicitur quod dominus Thomas de celo legione in dicta flamine advenit cum aliis de ramis et fructu  
et aliis fructu. Et statim aperte fumum et cibadum per secundum de Lamoun. Et plena aliis a rufacca  
plena erat. Hoc ad modum de cibafione detinuit et colligendu sua dicta de Lamoun et tempore fluminis  
de tempore sive. Et statim illud suffum exsuffit perficit in ecclesia de ea et regal in secon de Lamoun  
et ibidem exponit et effigie facione et coram eis. Coram aliis regim. In illa tunc aula. Et postea et flumen  
Coram aliis et pectu aperte. Et haec omnia est illius William de Apennino partu et dicti  
perire nos ad modum de eo. Et postea de homine celo regnum duximus postea et caput eius amicorum  
domine datus et eum afficiunt. Ideo respondet de eo. Propterea et hoc etiam datus est. Et existet  
enim item de aliis. Et sunt certe et postea domini celo regnum donec in Apone. et

FACSIMILE OF PART OF CORNWALL ASSIZE ROLL, 1283-84.  
(In the centre the assizing of the port of Ilfracombe to Alice Talgogen.)



the land, but he abjured the kingdom, and the coroner sent him to Dover. About the same time Henry de Oldham took refuge in the church of St. Andrew, Langar, and confessed to the stealing of six oxen ; he also was despatched to Dover, and ordered to reach that port in eight days. Another church utilised at this date by a sanctuary seeker was that of St. Peter, Norwell. In 1369 John Stryngar of Mansfield fled to that church, having killed a man with a knife which was worth 3d. ; he was ordered to reach Dover within seven days. In the same year, at 9 o'clock on the Saturday before St. Valentine's Day, William de Wallan placed himself within the church of Cromwell and tarried there until the following Thursday, when he confessed before the coroner to having stolen a horse worth 100*s.*<sup>1</sup> from the Abbot of Coverham, Richmondshire ; he was ordered to reach Dover in six days.

A Coroners' Roll of Northamptonshire includes the following sanctuary seeking examples between 29 Edward I. and 3 Edward II. On Thursday in Whitsun week, 1301, Richard Mundeville and Nicholas his brother, of Watford, were playing at putting the stone, when the stone of Richard struck his brother's head. After Monday Nicholas became ill, and he died on Friday before the Feast of St. Dunstan

<sup>1</sup> This was a great price ; the horse was probably a pacing palfrey. The prices of horses that I have noted in these fourteenth century rolls generally varied from half a mark for an old packhorse up to 20*s.*, or even 40*s.*

(19th May). Thereupon Richard in alarm fled to the church of St. Peter at Watford. Dover was assigned him as a port, but the jury declared that the death was not due to the stone, but to illness termed paralysis. The brothers were probably but youths, for Richard's chattels were returned as a whip worth a halfpenny.

In 1302 one John de Lynne sought sanctuary in the great church of Peterborough, and confessed he was a robber ; and in the following year another fugitive gained the church of St. Leonard, Peterborough, after homicide. In both these cases the fugitives were sent to the port of Dover, but the time for the journey is not stated. In 1303 the church of Maxey proved a refuge for one acknowledging to homicide ; in 1307 the church of St. Kyneburgh of Castor, for a robber, and the church of All Saints, Peakirk, for a similar delinquent ; and in 1309 the church of St. Mary, Eye, for one who confessed to both robbery and murder. All these criminals were deported to Dover.

A Northamptonshire Coroners' Roll of Edward III.'s reign records a case, in 1345, of sanctuary seeking in the church of St. Peter, Preston Capes, by one who had stolen twelve sheep. In the same year is recorded the curious instance of one Ralph Caponn, who fled to the church of St. Mary Magdalene, Ecton, on Friday in the octave of St. Hilary (13th January), having robbed a person of 10s. in the wood of Harpole.

To this he confessed to the coroner on the following Sunday, but at that time expressed himself as unwilling to abjure the realm. He stayed in Ecton church until the Feast of St. Valentine (14th February), when he escaped from that church and again took sanctuary in the church of St. Peter of Cogenhoe; and there, on the Feast of St. Peter in Cathedra (22nd February), he again confessed, abjured the realm, and was dispatched to Dover.

The last of these somewhat desultory extracts from the Coroners' Rolls tells yet again of the decollation of a wandering abjuror. On the feast of St. Thomas the Martyr, 1349, John Couper took sanctuary in the church of St. Mary, Stow, county Lincoln. He confessed to having killed John Pykel on Whitsun Eve, abjured the realm, and was assigned the port of Dover. He seems to have duly set out, but ere long wandered from the king's highway (*ex regia strata*), and was guilty of various acts of robbery. Whereupon he was pursued by one John de Rolleston, who overtook him, beheaded him, and dispatched the head to the castle of Lincoln.

It may be useful to add a word or two on the two classes of rolls from which the information in this chapter has been culled.

The Assize Rolls in the Record Office extend from John to Edward IV. They number 1550 rolls, and are arranged under counties, but they

are by no means continuous for any one shire. These rolls include various headings, such as *Placita Forinseca*, *Deliberationes Gaolarum*, *Placita de quo Warranto*, &c. ; the records of abjurations are to be looked for under *Placita Coronæ*. It is quite clear, however, that in some cases the justices did not require the enrolment of abjurations. As a rule, both in the Assize and Coroners' Rolls, the letters *abjur'* occur on the left-hand side of the membranes pointing out cases of this description.

The Coroners' Rolls extend from Henry III. to Henry VI. ; they only number 256 rolls, and various counties are unrepresented ; they are most numerous for the reign of Edward III. These rolls are not records of inquests entered at the time they occurred, but appear to have been prepared after a mixed fashion—the dates being often strangely arranged—when demanded by the itinerant justices. They are most perversely irregular in form ; indeed it is difficult to find any two or three arranged after the same plan. Usually the entries follow a legal method, beginning *Inquisitio capta*, but occasionally they take a narrative or brief descriptive form, beginning *Accidit apud*, *Accidit in villa*, or *Contigit apud*. The searcher in these rolls for abjurations must be prepared for many disappointments, for he will often draw blank. The rolls not infrequently consist, mainly or in part, of *exigent* entries ; that is of writs exacting the appearance of certain

persons within certain days under pain of outlawry.

Both Assize and Coroners' Rolls have printed indexes, which were issued in 1894; they will be found at the end of "Lists and Indexes, No. IV."

## CHAPTER XV

### WALES, SCOTLAND, AND IRELAND

THE inclusion of Wales, Scotland, and Ireland in this book on the *Sanctuaries and Sanctuary Seekers of Mediæval England* was not originally intended ; but, as an afterthought, the following short notes on sanctuaries in these three kingdoms are inserted. It should, however, be clearly understood that this chapter makes no claim to any particular research, and is only to be taken as a brief supplement to the longer and more detailed account of England.

#### WALES

The laws of Howel Dda, compiled about the beginning of the tenth century, contain various references to sanctuary. If any one obtains sanctuary consequent on treason against the lord, the law adjudges the forfeiture of his patrimony, though he shall escape with his life. A thief proceeding to another country after sanctuary is free from prosecution in the kingdom he has gained. If a man do wrong to the worth of a penny while in sanctuary, and a relic upon him, he is to lose the whole of his property unless he obtain a new sanctuary ; the sanctuary whose

privilege he broke is not to renew it. It is also interesting to note that this code includes fleeing to or entering a sanctuary as a legal act of disobedience.<sup>1</sup> This implies that the Church in its mercy provides a sanctuary to escape the civil law, and all the concern that the temporal power takes in the matter is to do its best to see that the privilege is not abused.

The important Slebech Commandery of the Knights Hospitallers of St. John, in Pembrokeshire, about half-way between Haverfordwest and Narbeth, claimed, in common with other houses of this military order, through various papal bulls and royal charters, the right of sanctuary for their buildings as well as for their church or chapel. In certain cases, adjacent plots of land were also held to be immune from all legal invasion. At Amroth, given to Slebech about 1150, there were fifty acres of sanctuary land, whilst at Loughor and Penrice, whose churches and manors were also given to Slebech Commandery in the same century, there were buildings termed the Sanctuary, within whose walls the fugitives were doubtless housed. Mr. J. Roger Rees, who wrote a series of papers on this settlement of the Hospitallers in the *Archæologia Cambrensis* for 1897, says that—

“Sanctuary was not only provided for human

<sup>1</sup> *Ancient Laws and Institutes of Wales* (Rec. Com., 1841), pp. 411, 445, 447–8, 703.

beings; it was for beasts as well. And not only were cattle included whilst within the sacred enclosure; these same herds were protected when feeding elsewhere during the day, provided they returned at night to the place of refuge. In those days any one contemplating a raid on his neighbour's property could place his family and belongings in the safety of sanctuary, and then start out with a light heart, to find his own way back to the same shelter when his business had been satisfactorily accomplished."

No references are given to support this extraordinary abuse of sanctuary, and it is probable that the writer only conceives that this condition of things was likely to have been the case on the lands of Slebech Commandery. Certainly this lawlessness of sanctuary seems to have prevailed on other Welsh lands of the Hospitallers. Sir John Wynn, in his *History of the Gwydier Family*, says: "From the towne of Conway to Bala, and from Nantconway to Denbigh, there was continually fostered a wasp's nest, which troubled the whole country. I mean a lordship belonging to St. John of Jerusalem, called 'Spytty Jevan,' a large thing, which had privilege of sanctuary. This peculiar jurisdiction, not governed by the king's lawes, became a receptacle of thieves and murtherers, who safely being warranted there by law, made the place thoroughly peopled. Noe spot within twenty miles was safe from their incursions and

robberies, and what they got within their limits was their own. . . . At times there were wont to be above a hundred, well-horsed and well appointed."

As a set-off to these two statements, in both of which there appears to be an element of exaggeration, that careful antiquary Leland, when writing in the days of Henry VIII. of the Cistercian Abbey of Margan, co. Glamorgan, states that it had the (chartered) privilege of sanctuary, but that the Welsh most rarely or never used it. He also states that the other Cistercian abbey of the same county, that of Neath, had the like privilege, but that its use was most infrequent.<sup>1</sup>

The small secluded church of Pennant Melangell, in the northern part of Montgomeryshire, is supposed to have had peculiar sanctuary privileges, but there do not appear to be any grounds for considering that there was here any kind of sanctuary beyond that which accrued to every consecrated church and churchyard.<sup>2</sup>

The following interesting record of the close of Queen Mary's reign occurs among the Acts of the Privy Council.<sup>3</sup>

"*St. James, 20th July 1558.—A lettre to William Symondes, Esquier, Vice-President of Wales, with a supplycation enclosed, exhibited*

<sup>1</sup> Leland's *Collectanea*, vol. i., pp. 104-5.

<sup>2</sup> See *Chester Archæol. Soc. Proceedings*, iii., 304-5, where a picturesque legend as to the founding of this church is set forth.

<sup>3</sup> *Acts of the Privy Council*, new series, vi., 351.

here by foure prisoners remayning in Radnour Castell, whereby they complayne that having escaped prison and taken a parishe churche as sanctuary, they were violentlie drawn out of the same and committed to warde, where they styll are; he is wylled if their offences be suche that they may have sanctuary by the lawe, than to cause them to be restored thereunto, otherwise to cause them, if they can have no sanctuary, to be proceeded withall according to justice and the qualitie of their offence."

## SCOTLAND

An Act of King William, of the year 1165, confirmatory of an earlier assize of King David, provides very severe penalties for any kind of violence done to those in sanctuary in a section entitled "Of injurie done to one within girth"; another section attached like penalties to those who did violence within the king's court. In the reign of Alexander II. (1214-1249) it was ordained "Of him quha flies to halie kirk," that if he confessed himself innocent and for poverty was not able to find security, he was to appear in any convenient place appointed by the king or bishop; and if found innocent he was to depart in peace, but if guilty to be punished according to his demerits. The same applied to manslayers, traitors to their masters, and those challenged of murder or treason; it is obvious,

however, that some other course was adopted with fugitives who confessed themselves. This is made clear by legislation under Robert II. in 1373, whereby it was ordained that a manslayer flying to the kirk was to be admonished to come forth and present himself to the law, but if he refused to come forth he was to be banished and exiled for ever.

Deliberate murder or forethought felony was excluded from the immunities of the kirk under James III. in 1469, when it was enacted that a kirk fugitive suspected of murder was to be yielded up to the sheriff within fifteen days, and if on assize he was found guilty of forethought felony, he was to be punished by the king's laws, but "if it be founden suddunlie, to be restored againe to the freedome and immunity of haly kirk and girth."

By an Act of James V., passed 5th January 1535, it was provided that all masters of girths within the realm were to make responsible men bailiffs or deputies of the girths, and their names were to be sent to the Lord Justice Clerk; and these bailiffs were to be strictly charged to deliver up to the sheriffs for trial all those fugitives suspected of forethought felony.

The abbey of Holyrood, founded by David I. in 1128 as a monastery for Austin canons, was the most celebrated sanctuary in Scotland. The clause supposed to convey special sanctuary privilege occurs in the foundation charter of David I.

*—prohibo ne aliquis capeat pandum super terram Sancti Crucis, nisi abbas ejusdem loci, rectum et jus facere recusaverit.* After the Reformation, when sanctuary for sheltering criminals came to an end, immunity from arrest, for debtors within the precincts of the King's Palace of Holyroodhouse was zealously maintained, notwithstanding the fact that the ancient abbey adjoining the palace, to which the privilege had been granted, was suppressed and in ruins. But with civil sanctuary for debtors we have here no concern, so it must suffice to say that this immunity for debtors lingered on at Holyrood until 1880.<sup>1</sup>

According to the Laws of the Marches between Scotland and England, in 1249, by twelve knights of each kingdom, it was enacted that a criminal crossing the Border may take the peace of the kingdom at the next kirk, the bell being rung, until he obtain it from the sheriff.

A statute of Alexander II., in 1230, provided that if robbers or thieves who fled to the kirk confessed their fault, for God's sake, they were to lose neither life nor limb, but they were to restore what they had taken, make amends to the king, and swear never to commit the like again; but if they maintained their innocence, they were to purge themselves according to law. This law was also to apply to homicides, but not

<sup>1</sup> Full details as to this harbour of debtors will be found in Peter Halkerston's *Palace and Sanctuary of Holyroodhouse* (1831).

to heretics. It was further laid down about this period that kirk sanctuary was not to be afforded to those who dwelt by night in the fields, to notorious highway robbers, to churchbreakers, or to those under sentence of excommunication.

Scotland had a far larger number of sanctuaries of civil origin than was the case with England, where they seem to have been confined to the county of Chester. Various incidental references to these occur in the Acts of the Parliament of Scotland. The "sanctuary crofts" of Linlithgow are named as forming part of the dower of Mary, queen of James II., in 1451. The castle of Stirling and the country for four miles round is described in the Act of 1584 as *pacis propugnaculum ara et asylum*. The citadel of Leith is mentioned as a sanctuary in 1661. Incidental reference is made in 1681 to the "Bailliarie of the Burgh of Taine within the four girth Croces."<sup>1</sup>

### IRELAND

The chartulary of the Cistercian abbey of St. Mary, Dublin, preserved at the Bodleian, opens with the record of an unusual and interesting case of sanctuary. Amabella Comyn in 1277 brought a charge before the chief justiciary at Dublin against William and Patrick, lay brothers of the house, and six others, who had taken

<sup>1</sup> *Acts of the Parliament of Scotland* (Record Com.), ten folio vols., printed 1814-1823.

sanctuary in the abbey church, after having slain, as she alleged, her husband, John Comyn, near the grange of Portmarnock. Comyn, as appears from other entries in the chartulary, had previously had various disputes with the abbey as to their adjacent properties at Portmarnock. The jury found that Brother William was guilty of the actual death, and that Brother Patrick was guilty of consent and aid. The abbot paid a fine of £10, but demanded to retain the custody of the two lay brothers according to the statute of the Cistercian Order, and the claim was granted. The other six offenders were in due course outlawed, after the ordinary method of dealing with sanctuary seekers. By a statute of the General Chapter of Citeaux, held in 1229, each abbey was directed to provide a strong and secure prison for the detention of thieves, incendiaries, forgers, murderers, and other criminals. It was the fate of Brother William to end his days in the abbey prison. This fact transpired before the justices of assize many years later, namely in 1291. The abbot was charged with knowingly receiving William after the commission of a felony. The abbot was able, however, to refer to the roll, and to show that William had been by the court committed to his predecessor's custody, and that he remained in prison until the time of his death.

Among other references to sanctuary in the religious houses of Ireland, it may be mentioned

that the foundation charter of the abbey of Dunbrody (1175) expressly enjoins the monks to harbour in security any fugitive malefactors who might seek their protection.

The abbey of St. Thomas the Martyr, founded at Dublin for Austin canons in 1177, appears to have had certain defined sanctuary bounds ; a charter of the time of King John grants certain lands to the canons *juxta terram sanctuarii*.

The Red Book of the Exchequer in Ireland, printed by the Record Commission of 1907, contains interesting references to sanctuary seekers under the year 1291. It was stated in the *Articuli Cleri* that if any one fly for refuge to a church for any crime, it is not permitted by the lay officers that necessaries and victuals should be ministered by any one to the fugitive under a fixed penalty, firmly to be enjoined ; but they cause the fugitive to be detained in fetters in the church itself, as lately at Loughrea, in the diocese of Clonfert. To this the king made two replies. One to the effect that many things have to be permitted for the immunity of the Church, the King, and the kingdom at a time and at the seat of war, which at another time ought not to be permitted ; let inquiry be made about the past, and justice therein done. The second general reply was that the king wills that a fugitive of this kind should be well guarded at the church, in

such a way that there should be access up to the due term, and that he should have victuals ; and if he refused to leave the church after the lapse of the term according to law, the victuals should be withdrawn from him.

## CHAPTER XVI

### THE DECAY AND EXTINCTION OF SANCTUARIES

Henry VII. and papal restriction of sanctuary—Statutes 4 Henry VIII.—Abjurors to be branded on the thumb, 1529—Abjuration to other countries prohibited in 1530-1—Traitors excluded from sanctuary, 1534—Cromwell's *Remembrancer*—“The Saying of Thomas Wolff”—Protest of the Pilgrimage of Grace—Sanctuary case at Knowle—The establishment of eight sanctuary towns—The substitution of Chester for Manchester, and of Stafford for Chester—Legislation under Edward VI., Mary and Elizabeth—Extinction of all sanctuaries under James I.—Alleged claim of sanctuary in 1636—Reflections of Mazzinghi, Stanley, and Hallam—The poet Drayton.

ONE of the chief causes that led to the decay in England in the fifteenth century of the once generally held reverence for sanctuaries, was the small respect shown by our kings for these immunities of the Church when they gave shelter to their political enemies. It is true that Henry VII., when the civil wars had ceased, on two occasions suffered Perkin Warbeck, the impostor, to escape with his life through the taking of sanctuary; but by papal bulls, obtained respectively from Innocent VIII. in 1482, from Alexander VI. in 1493, and from Julius in 1503, he contrived materially to increase the number of offences exempt from sanctuary, and more especially to strike out not only every form of

high treason, but even the suspicion of treason.<sup>1</sup> Moreover, Henry VII. under these bulls was able to appoint keepers to look after certain classes of fugitives, so that, as Professor Trenholme says, “he was able to get his victims out of sanctuary and into his own hands.”<sup>2</sup>

Soon after the accession of the masterful Henry VIII., it became manifest that England’s special sanctuaries and general sanctuary immunity were doomed.

A statute of 4 Henry VIII. (1512) thus dealt with “How Plea of Sanctuary in a foreign shire shall be tried.”

“... If any murderer or felon upon his arreynment hereafter do allege that he hadde taken any Church or Churchyard for murder, felonie or other place privileged for the same in a foreyn Countye and ageynst his Will taken owt thereof, that then the Kynges Attorny or any other person that wyll shewe or allege for the Kyng that the seyd Murderer or felon so arreyned was taken at large in the same Shier wher he is so arreyned, that then the same Allegeaunce and Issue to be tryed by the Inquest that shuld trie the seyd Murder or Felonye within the same Shire and before the same Justices where the seyd Murderer or Felon is arreyned as though the seyd foreyn pley had not be pleyded by the

<sup>1</sup> Rymer’s *Fædera*, xii. 541–2, xiii. 104.

<sup>2</sup> A remarkable instance of this has been given under St. Martin le Grand, of the year 1495.

sayd felon : And if it be founden by the same Inquest that the seyd murderer or felon was taken wythin the same Shire as is aforesaid that then he to have non avauntage or benefette of the matter alleged by hym for takyng owte of the Churche or Churchyerde or other place p'veleged in any such foreyn Shire."

By a further statute of 1529, it was provided that all felons and murderers taking sanctuary and making abjuration were to be marked by the coroner with a hot iron with the letter A on the thumb, or in default should lose all benefit of such sanctuary.

Chapter xiv. of the statute of 22 Henry VIII. (1530-1) effected a great change. The preamble gave curious reasons for the abolition of abjuration of the realm. It is therein stated that many of these abjurors were expert mariners, others able men for the wars and defence of the realm, and others trained archers who have instructed foreigners in the exercise and practice of archery, whilst yet a fourth class of these exiles "disclosed their knowledge of the commodities and secrets of this realm, to no little damage and prejudice of the same." Henceforth the coroner was to direct any one desirous of abjuring to a sanctuary place within the realm, and he was to remain there, under pain of death, for the rest of his natural life. Sanctuary men committing new offences were to lose all sanctuary benefit, and to be committed to gaol.

By the xiii. chapter of statute 26 Henry VIII.  
(1534), it was provided that :—

“ Traitors shall not have any Benefit of Sanctuary.

“ And to thyntent that all treasons shulde be the more drede hated and detestyd to be done by any psonne or psonnes, and also because yt is a greate boldnes and an occasyon to ylle disposed psonnes to adventure to imbrace theyr malycious intentes and enterpryses, whiche all true subjectes ought to study to eschewe : Be it therfore enactyd by thauctoryte afore said that none offendour, yn anye kyndes of Highe Treasons what so ever they be, theyr aydours consentours counsailours nor abettours, shalbe admytted to have the benefite or privylege of any maner of seyntuarie ; consideringe that matters of treasons toucheth so nighe bothe the suertye of the Kynge our Soverayne Lordes personne and his heyres and successors.”

Cromwell’s “ Remembrances,” that is his notes to refresh his mind when next seeing the king, for 1534, include two headings as to persons in sanctuary ; whilst in 1536 there is a “ Remembrance” to speak specially of the utter destruction of sanctuaries.<sup>1</sup>

There is an interesting paper of 30th April, 1536, relative to sanctuary for murder in the Public Record Office.

*Letters and Papers Henry VIII.* (Dom. State Papers), vols. vii. and x.

“ The saying of Thomas Wolff, 30th April, 28 Henry VIII., concerning the murder of John Strakeford by Steven Claybroke, in a quarrel about a sword. Claybroke took refuge in the house of Ric. Cokkes, the headborowe, and was taken thence by certain of his neighbours, and delivered to Wm. Cood, the constable, who took him to Sir Roger Chamley, who sent him to Newgate. On his way he desired his captors to be good to him, ‘ for why, my book will do me no service for wilful murder, for I have read the king’s act in my house.’ Some of them asked him why he took not Chesewyke church, seeing he was so light of foot, and so far before them. He answered, ‘ What should I have to do then, for the church will not serve me for wilful murder ? ’ And yet, when we came to Charing Cross, he looked to Westminster, and said, ‘ I would I were in yonder church ; ’ and then said the constable again, ‘ I would thou haddest gone straight thither before so that I had not been cumbered.’ ”<sup>1</sup>

It was towards the close of 1536 that the considerable rising in the north of England against the ecclesiastical policy of Henry VIII., known as the Pilgrimage of Grace, took place. An assembly of clergy at Pontefract drew up a brief set of articles rejecting the recent innovations. Their protest included an objection to

<sup>1</sup> *Letters and Papers Henry VIII.* (Dom. State Papers), vol. x. 763.

the changes made as to sanctuaries, which they regarded as contrary to the laws of the church.<sup>1</sup> This, too, was one of the points insisted upon by the leaders of the insurgents at the second meeting at Doncaster—"Sanctuary, to save a man for all causes in extreme need, in the church for 40 days, and further according to the laws as they were used in the beginning of this king's days."<sup>2</sup>

A further sanctuary reforming Act had been passed this year whereby sanctuary men were ordered to wear badges, not to wear any weapons, and never to be out at night.

There is a long file of interrogations and depositions taken in 1538 by Sir Anthony Fitzherbert and a commission which illustrates certain points of sanctuary law as then maintained. The particular sanctuary concerned was that of Knowle, Warwickshire, where a collegiate church of much importance and renown was founded about the year 1400. The manor was held by Westminster Abbey.<sup>3</sup>

Their commission directed them to take final order for restitution to the king's chaplain, Dr. Croke, of the sums of which he was robbed by Hugh Hervye, who took sanctuary at Knowle, where he still remains, although he was indicted for robbing his master, a case in which the law

<sup>1</sup> Cott. MSS., Cleop., E. v. 381.

<sup>2</sup> *Letters and Papers Henry VIII.*, xi. 507.

<sup>3</sup> *Victoria County Hist. of Hants*, ii. 171-2. This is the only reference of which we are aware to a special sanctuary at Knowle.

allowed no such privilege. The king's previous letters to the officers of the Sanctuary having been disregarded, the Commissioners were to order obstinate persons to appear before the Council. The interrogatories of Richard Yeoman, owner of the Goat Inn, Strand, actually numbered fifty-two. Depositions in reply were made by Henry Horley and others. The main point at issue seems to have been whether Harvey had been attached for felony before claiming privilege of sanctuary. By the joint deposition of Robert Croke and William Cull, it appears that he was attached, in Henry Whorley's at Knowle, by Robert Bury, for robbing his master Richard Yeoman, as well as Dr. Croke's servant Simon Gelinge, in Yeoman's house, the Goat Inn in the Strand, on which he desired of William Pynnock, of Knowle, privilege of sanctuary for the stolen goods ; and that Pynnock called William Barnehurst, of Knowle, and told him that, as the bailey's deputy, he ought to take the felon's confession privily and give him privilege of sanctuary.<sup>1</sup>

In 1540 Cromwell's "Remembrances" of matters to lay before his royal master again point to him as the chief adviser in Henry's destructive policy. The following entry,<sup>2</sup> said to be in his own handwriting, shows that Cromwell was

<sup>1</sup> *Victoria County Hist. of Hants*, xlii. pt. i. 618.

<sup>2</sup> Cott. MSS., Titus, B. i. 476. "Item for a Determynatyon of the Sanctuaries."

determined that the religious element should be entirely blotted out from the idea and practice of special sanctuary.

## *Item for a Desymnatyon of ge Sanctuaris*

It was in this year that the Act was passed, which, whilst it did not interfere with the very small degree of immunity still left to all churches and churchyards, declares that no sanctuary should give any kind of protection to persons guilty of murder, rape, burglary, robbery, arson, sacrilege, and their accessories. All special or chartered sanctuaries were abolished, and in their stead the following eight towns, with certain defined limits, were declared to be sanctuaries : Wells, Westminster, Northampton, Norwich, York, Derby, Manchester, and Launceston. Coroners were to direct abjuring fugitives to one or other of these privileged places. No such place was to receive more than twenty sanctuary men. Directions were given as to the conveyance of abjurors to another place, if the first one was full. Sanctuary men were to be mustered daily, and on not appearing for three days to lose their privilege.

The selected towns, as might naturally be expected, by no means appreciated the responsibility and odium thus thrust upon them, and

many remonstrances reached the Council. At a meeting of the Privy Council held at Hampton Court on 20th February, 1541, orders were issued to the commissioners for sanctuaries requiring them to allot such places within the selected towns "as might be convenient for xx<sup>ty</sup> sanctuary men, the lest noysum and incommodious for the sayd townes, and also where the sanctuary men shall of necessity, whensoever they cum abrode, be moost in the sight and eye of honest men."<sup>1</sup>

A year later an Act of Parliament (33 Henry VIII. c. 15) transferred the sanctuary of Manchester to Chester. The preamble to the Act is curious reading, and shows what an utter failure was made by following up Cromwell's ill-digested scheme for establishing sanctuaries altogether apart from religious direction and restraint. It states of Manchester that "its inhabitants manufacture clothes as well of linen as of wollen, and employed many hands, and Manchester was therefore greatly resorted to by strangers, as well of Irlond as of other places within this realm, with the necessary wares for making clothes to be sold there; the lynen yarne had to lie out in the night for half a year to be whitened, and the wollen clothes there made must hang upon the taynter before they could be made up; that many strangers bring their cottons also to be sold; whereas the sanctuary men live in idleness to ill

<sup>1</sup> Nicolas' *Privy Council Proceedings*, vii. 133 5.

example, and entice others to do the like, and to mispend their master's goods ; that thefts and felonies have thereby increased ; that the said Irishmen and others now withdraw themselves, to the utter decay of the town ; that Manchester is not walled, so that sanctuary men continually escape out at night, and that there is no proper officer nor jail to regulate matters."

Chester, however, successfully and promptly resented the indignity proposed to be done to her. The Act provided that if the king found Chester unsuitable, he might substitute some other place without further legislation. The strenuous opposition of the Chester authorities prevailed, and a proclamation was issued on 30th May, 1542, wherein it was stated that :—

" As Chester adjoins Wales and is near the sea, so that malefactors can escape from it to Scotland, Ireland, and outward parts, the King substitutes Stafford for it, and orders the constables of Manchester to bring the sanctuary men now there to Stafford and deliver them by indenture to the bailiffs."

The only change in sanctuary legislation made under Edward VI. was the exclusion of a horse-stealer from such benefits.<sup>1</sup>

The partial re-establishment of chartered sanctuary by Queen Mary, and its repeal by Queen Elizabeth, has been already dealt with in the account of the sanctuary of Westminster.

<sup>1</sup> 1 Edw. VI., c. 12 ; and 2 & 3 Edw. VI. c. 33.

So soon as James came to the throne, the town sanctuaries which had proved to be a curse in all the eight selected places, both to the sanctuary men and to the general inhabitants, came to an end.

“ And be it also enacted by the Authoritie of this present Parliament, That so much of all Statutes as concerneth abjured Persons and Sanctuaries, or ordering or governing of Persons abjured or in sanctuaries, made before the five and thirtieth yeere of the late Queene Elizabeth’s Reigne, shall also stand repealed and be voide.”<sup>1</sup>

Twenty years later all forms of sanctuary in church or churchyard were swept away.

“ And be it alsoe enacted by the authoritie of this present Parliament, that no Sanctuarie or Priviledge of Sanctuary shalbe hereafter admitted or allowed in any case.”<sup>2</sup>

It has been sometimes said that the latest case of church sanctuary occurred in Wiltshire in the year 1636, notwithstanding the general repealing statute of the end of James’ reign. But this is a mistake, for the resort to a church in the following curious incident arose from the fact that a writ cannot be served within such a building.

According to the sessional records of Wiltshire, certain inhabitants of Hindon appealed to the justices for help in the following case. Samuel Yarworth, clerk, was ordered at sessions

<sup>1</sup> 1 James I., c. 25.

<sup>2</sup> 21 James I., c. 28.

of January, 1635–6, to be bound over to good behaviour and to make due provision for the wife of one Anthony Saunders and her child, he having advised and assisted the husband to leave her, probably from some charitable or religious motive. The officers endeavoured to execute the writ, but Yarworth fled to sanctuary and took refuge in the chapel of Hindon. The officers, however, lay in wait and caught him as he was running from the chapel to his dwelling-house, but he by force “rescussed” himself, and again entered the chapel, whence he retired to London and obtained letters missive against the officers summoning them to appear before the High Commission Court. Certain further proceedings of a curious character are entered on the session rolls of the following July, when Yarworth appeared and desired that the differences between him and the inhabitants of Hindon might be left to the hearing and determination of Lord Cottenham, to which consent was given providing a justice or justices were present. On Yarworth being questioned as to his disobeying the former warrants, he replied repeatedly—“I did nothing therein but what my lord Archbishop of Canterbury put me upon.” The court, conceiving these words not fit to be spoken of so great a person in so public a place, bound Yarworth over in good behaviour until the next sessions.<sup>1</sup>

With Mr. Mazzinghi's reflections on the

<sup>1</sup> *Wilts Natural History and Archaeological Magazine*, 1901.

final annihilation of England's mediæval sanctuaries we find ourselves in full accord :—

“ Before we destroy we should at least consider and weigh what we propose to do, lest in pruning the luxuriant or decayed or diseased branches, we lop off those that bear precious fruit. The legislators of the sixteenth and seventeenth centuries, in interfering with chartered sanctuaries, did not approach their work with due calmness or exact discrimination ; after a period of vacillation, of partial reform, and of re-enactments, they cut away the entire tree. With what result ? There was no longer any distinction between the dishonest and the unfortunate debtor. The quality of a political offence or of a criminal act was left to the harsh letter of an indiscriminating, often a cruel and barbarous law, and the innocent and the guilty were alike confounded in the penal consequences of the imputed crime. Even, where the offence was clear, there was no longer the merciful privilege of the sanctuary, which could interpose to mitigate the excessive or disproportioned penalties attached by the law to a conviction.”

In preference to setting before our readers any reflections and general thoughts of our own, it seems better to give those of two other writers of no small weight.

Dean Stanley, in his *Memorials of Westminster Abbey*, has these words :—

“ The (chartered) sanctuaries of mediæval

Christendom may have been necessary remedies for a barbarous state of society, but when the barbarism, of which they formed part, disappeared, they became almost unmixed evils ; and the National School and the Westminster Hospital, which have succeeded to the site of the Westminster sanctuary, may not unfairly be regarded as humble indications of the dawn of a better age.” It must, however, be remembered, as already stated, that there were no mediæval sanctuary buildings to the north of the great abbey church.

The historian Hallam’s happily chosen words, in his *Middle Ages*, are well worthy of reproduction :—

“ Under a due administration of justice, this privilege would have been simply and constantly mischievous, as we properly consider it to be in those countries where it still subsists. But in the rapine and tumult of the Middle Ages, the right of sanctuary might as often be a shield to innocence as an impunity to crime. We can hardly regret, in reflecting on the desolating violence which prevailed, that there should have been some green spots in the wilderness, where the feeble and the persecuted could find refuge. How must this right have enhanced the veneration for religious institutions ! How gladly must the victims of internal warfare have turned their eyes from the baronial castle, the dread and scourge of the neighbourhood, to those venerable

walls, within which not even the clamour of arms could be heard, to disturb the chant of holy men and the sacred service of the altar."

The sixteenth-century poet, Michael Drayton, in his *Wars of the Barons*, has left us a stanza, which some have taken as a realistic picture of the inner life of a mediæval chartered sanctuary. Doubtless it contains some element of melancholy truth, but it must be recollected that Drayton's own experience was of the miserable and criminal condition of sanctuary life in Elizabethan days, when such places had been resolutely purged of any exercise of religion and of any decent supervision ; his experience doubtless tinged his opinion.

"Some few themselves in sanctuaries hide  
In mercy of that privileged place,  
Yet are their bodies so unsanctifie,  
As scarce their souls can ever hope for grace ;  
Whereas they still in want and feare abide,  
A poore dead life that draweth out a space ;  
Hate stands without, and horror sits within,  
Prolonging shame, but pardoning not their sinne !"



## APPENDIX

### SECULAR OR CIVIL SANCTUARIES—LATER SANCTUARIES FOR DEBTORS

THE object of the preceding pages is to give an account of the mediæval sanctuaries of England under the control of the Church. There were other bye-paths of the general subject which it has been found impossible to include, even in the very briefest form—such are the immunities pertaining to royal palaces, and to the residences of ambassadors.

A few words may, however, here be added as to what may be considered as Secular or Civil Sanctuaries. These chiefly existed in the county palatine of Chester, and full particulars can readily be found in the pages of Lysons or Ormerod. The power of granting sanctuary protection to criminals was in the hands of the Earls of Chester, and was the source of considerable emolument, for they received fines from all such persons as came to reside under their protection—a heriot at their death, and all their goods and chattels in the event of their dying without issue. Hook Heath, near Chester, Rudheath, near Middlewich, and Overmarsh, near Farndon, were the chief places assigned for this purpose; in the last of these, those seeking the Earl's protection might reside for a year and a day, but only in temporary dwellings, such as booths or tents. Debtors had special privileges in this county, for a debtor on swearing before the Court of Exchequer at Chester that he would pay his debts as soon as he was able, could obtain a writ of protection which secured him from molestation by his

creditors. In Chester itself there was a like custom from very early days. Any freeman having been imprisoned for debt and unable to pay, could go before the Mayor, and on swearing that he would discharge his debt as soon as he could, reserving to himself only a "mean sustentation," he had a right to be discharged from imprisonment. This custom assumed another shape in the sixteenth century, when any freeman imprisoned for debt, on appealing to the Mayor and Aldermen, was allowed to reside in a building called "The Free Home," and walk at large within certain wide but defined liberties. He was expected to attend divine service at the church of St. John's, without the north gate, but was not allowed to go into any private dwelling-house.

As to the illicit survival of sanctuary for debtors in London, for a century after the general obliteration of sanctuaries in 1624, a whole volume might be readily compiled, but it would be a sordid and a sorry tale. In 1626 an Act was passed for preventing for the future "the many notorious and scandalous practices used in many pretended privileged places in and about the Cities of London, Westminster, and the Borough of Southwark, thereby defrauding and cheating great numbers of people of their honest and just debts." It was thereby enacted that after the first of May any creditor might issue legal process against any debtor, although resident within the Minories, Salisbury Court, Whitefriars, Fulwood's Rents, Mitre Court, Baldwin's Gardens, the Savoy, the Clink, Deadman's Place, Montague Close, and the Mint. Nevertheless a certain amount of security was maintained in some of these infamous resorts until routed by the more explicit legislation of 1727.

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